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Description of document: Department of Justice (DOJ) weekly reports made by the Office of Legislative Affairs (OLA) to the Office of the Attorney General, 2009-2013

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U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

December 17, 2018

Re: 2016-000197 (OLA)
CLM:LAD

This responds to your Freedom of Information Act (FOIA) request dated February 6, 2016 and received in this office on February 24, 2016, in which you requested copies of all weekly reports made by the Office of Legislative Affairs to the Office of the Attorney General from January 1, 2009 to December 1, 2013. This response is made on behalf of the Office of Legislative Affairs.

Please be advised that a search was conducted in the Office of Legislative Affairs and 630 pages of records responsive to your request were located. I have determined that these pages of records are appropriate for release without excision. For your information, no weekly reports from January 1, 2009 until June 16, 2009 were located. Additionally, please be advised that weekly reports are not completed every week. We have provided all reports that were located. Finally, the highlighting located on page thirty-three of year 2011 was on the original document.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552 (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Douglas Hibbard, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001; telephone at 202-514-3642; or facsimile at 202-514-1009.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "Carmen L. Mallon", with a long horizontal flourish extending to the right.

Carmen L. Mallon
Chief of Staff

Enclosures



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 16, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 19, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying:

1. **Department of Justice Oversight.** The Attorney General will testify before the Senate Judiciary Committee on Wednesday, June 17 at 10:00 a.m. (226 Dirksen). OLA has compiled extensive briefing materials prepared by numerous components and is coordinating preparatory sessions for the Attorney General on Monday and Tuesday.
2. **Identity Theft.** Deputy Assistant Attorney General Jason Weinstein (CRM) will testify before the House Oversight Subcommittee on Information Policy, Census, and National Archives on Wednesday, June 17 at 2:00 P.M. (2154 Rayburn). The testimony, which is being prepared by CCIPS, will focus on the Department's efforts to prosecute identity theft and fraud cases under federal law. The subcommittee is also interested in hearing the Department's suggestions on how the subcommittee can help strengthen identity theft laws. The DOJ witness will join other government witnesses (FTC, OMB, GAO) on the first panel; a second panel will include witnesses from the Identity Theft Resources Center, Santa Fe Group, Electronic Privacy Information Center, and Economic Crime Institute.
3. **Shell Corporations/Money Laundering.** Jennifer Shasky Calvery, Senior Counsel to the Deputy Attorney General, will testify before the Senate Committee on Homeland Security and Government Affairs on Thursday, June 18 at 2:30 P.M. (Dirksen 342). The hearing will focus on how to curtail the use of shell corporations by criminals in money laundering

schemes. The Committee is likely to be interested in the Department's views on S. 569, the Incorporation Transparency and Law Enforcement Assistance Act, introduced by Sen. Levin, which would amend the Homeland Security Act to establish enhanced requirements for the disclosure of beneficial owners of corporations and limited liability companies to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct. The Department believes that federal legislation is necessary to effectively curtail the use of shell corporations by money launderers and that the Levin legislation would accomplish this goal. Other witnesses will include North Carolina Secretary of State Elaine Marshall, Janice Ayala from ICE, someone from the private sector and a local investigator.

4. **Safe Drug Disposal.** Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, will testify before the House Judiciary Crime Subcommittee on Thursday, June 18 at 10:00 a.m. (2141 Rayburn). The focus of the hearing will be how to safely and legally collect and dispose of unused prescription drugs. It will include discussion of legislation introduced by Reps. Inslee and Moran (H.R. 1191) and Reps. Stupak and Smith (H.R. 1359) to address this issue. The Stupak/Smith bill creates a regulatory structure in which DEA could legally establish a nation-wide program for this purpose. The Moran/Inslee bill would set up a far more onerous regulatory scheme in which there can be different approaches in different areas of the country. For this reason, DEA/DOJ prefers the Stupak bill. Additional witnesses are expected to include the Partnership for a Drug Free America and a local law enforcement agency that runs a prescription drug "take back" program.

B. Additional hearings of interest to the Department:

1. **Native Hawaiians.** On June 11, the House Natural Resources Committee held a hearing on H.R. 2314, the Native Hawaiian Government Reorganization Act, which would recognize the indigenous status of native Hawaiians. The Committee is expected to mark-up the legislation as early as the first full week of July. Similar legislation is pending in the Senate (S. 1011). At the hearing, the main opposition to the bill centered on the claim that it would violate the 14th Amendment's Equal Protection Clause by discriminating on the basis of race or national origin. The Administration does not yet have a cleared position on the bill, but DOJ is working with White House legislative affairs and the Department of the Interior to ensure that the Administration is in a position to engage with the Hawaii delegation on the substance of the measure by the end of June.
2. **Discrimination in the Juvenile and Criminal Justice System.** The House Judiciary Crime Subcommittee invited the Department to testify at a hearing which was to have been held on June 18, but the Department declined to appear, citing the ongoing work of the Sentencing Working Group (SWG). The impetus for the hearing was the introduction of the Justice Integrity Act (S. 495 and H.R. 1412) by Sen. Cardin and Rep. Cohen. The Department has taken the position that it is premature for Congress to consider this or other legislation in this area until the SWG has completed its work. While it is unlikely that the subcommittee will stay all proceedings on the legislation until that time, we are working with the White House to develop an approach that will make it possible to work with Congress on these issues.

3. **Uighur Nationalism.** The House International Organizations, Human Rights and Oversight Subcommittee will conduct a hearing on the Uighur nationalist movement on Tuesday, June 16 at 9:00 a.m. (2172 Rayburn). The Department has declined to testify at this and other hearings related to the disposition of Guantánamo detainees pending the completion of the Task Force reports.
4. **Arms Trafficking to Mexico.** The House Foreign Affairs Western Hemisphere Subcommittee will conduct a hearing on U.S. Efforts to Combat Arms Trafficking to Mexico on Thursday, June 18 at 11:00 a.m. (2172 Rayburn). The only witness announced thus far is Jess T. Ford, Director, International Affairs and Trade Team, United States Government Accountability Office. DOJ was not invited to testify.

C. Markups:

1. **State Secrets.** On Thursday, June 18 at 10:00 a.m. (226 Dirksen), the Senate Judiciary Committee is scheduled to mark up legislation to regulate the use of the state secrets privilege (S. 417). The House Constitution Subcommittee reported out similar legislation, H.R., 984, last week. The Department has not participated in hearings or expressed views on these bills pending the conclusion of deliberations within the Administration, but we have provided classified briefings to the committees of jurisdiction on litigation in which the Department has invoked the privilege.
2. **Media Shield.** On Thursday, June 18 at 10:00 a.m. (226 Dirksen), the Senate Judiciary Committee is scheduled to mark up H.R. 985/S. 448, Free Flow of Information Act of 2009, which would place limitations on the ability of the federal government to compel disclosure of information by journalists. The Department and the Administration have concerns that the legislation as introduced could undermine the Department's ability to protect national security and prosecute leaks of classified information. The Department has been working with the White House, other agencies and Congress to try to address concerns with the legislation in advance of the markup. It is unclear whether the markup will proceed while negotiations continue.

D. Pending nominations:

1. **Judicial nominees.** Three Circuit Court nominees are awaiting votes in the full Senate: David Hamilton, Seventh Circuit; Andre Davis, Fourth Circuit; and Gerard Lynch, Second Circuit.
2. **AAG nominees.** Three Assistant Attorney General nominees have been approved by the Senate Judiciary Committee and are awaiting votes in the full Senate: Dawn Johnsen, OLC; Tom Perez, Civil Rights; and Mary Smith, Tax. Tom Perez has a meeting scheduled with Senators Cardin, Kyl and Coburn this week to address any remaining concerns the latter two Senators may have about the nominee's prior stance on immigration issues. We do not anticipate floor action on any of these nominees this week. The nominations of Chris

Schroeder (AAG for OLP) and Ignacia Moreno (AAG for ENRD) have been sent to the Senate but no hearing has yet been scheduled.

3. **U.S. Attorney nominees.** Seven U.S. Attorneys have been nominated and the Committee has listed three for a vote this Thursday: Tristram Coffin, D. VT; Joyce Vance, ND AL; Preet Bharara, SD NY.

E. Floor:

1. **Supplemental Appropriations, 2009.** We are coordinating closely with the White House and JMD on Guantánamo-related language in the Supplemental and other Appropriations bills, including the CJS Appropriations bill and the DHS Appropriations bill. The Conference Report is expected to come to the floor as early as Tuesday.
2. **Hate Crimes.** Senate sponsors of the Matthew Shepard Hate Crimes Prevention Act (S. 909) have been looking for a vehicle to which it can be attached on the floor. S. 909 would simplify the jurisdictional predicate for prosecuting bias-motivated violent acts and add gender, disability, sexual orientation and gender identity as protected categories. Similar legislation has passed the House. The Administration strongly supports the legislation but prefers the Senate bill. The Department's letter of support, which includes its views that the new criminal offenses created in S. 909 would be constitutional, is awaiting clearance from OMB.

F. Briefings and notifications:

1. Last week, OLA organized a classified briefing by NSD and FBI on the government's use of Patriot Act authorities.
2. We provided notification to congressional offices of the transfers of Guantánamo detainees for prosecution, repatriation and resettlement.
3. We coordinated with the White House on notification to congressional offices in connection with the Department's filing in *Smelt v. U.S.*, a challenge in the U.S. District Court for the Central District of California to the constitutionality of the Defense of Marriage Act.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 23, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 26, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying:

1. **Matthew Shepard Hate Crimes Prevention Act of 2009.** The Attorney General will testify before the Senate Judiciary Committee on Thursday, June 25 at 10:00 am (226 Dirksen). The testimony will offer strong support of this legislation and urge its enactment without further delay. It will also explain the constitutional underpinnings of the legislation and offer a few recommendations for improving the bill. The Department's views letter on the bill has cleared OMB, and the testimony is awaiting clearance.
2. **Deferred and Non-Prosecution Agreements.** Deputy Assistant Attorney General Gary Grindler (CRM) will testify before the House Judiciary Subcommittee on Commercial and Administrative Law on Thursday, June 25 at 11:00 a.m. (2141 Rayburn). The hearing will focus on the Department's use of deferred prosecution agreements (DPAs), non-prosecution agreements (NPAs), and corporate monitors. The Department's testimony will focus on the importance of DPAs and NPAs in combating corporate crime, and how monitors ensure that corporations comply with these agreements. Legislation seeking to regulate the use of DPAs and NPAs has been introduced. (The bill is H.R. 1947, the "Accountability in Deferred Prosecution Act of 2009.") The hearing is not focused on the legislation, although we expect that the legislation will be discussed. We do not yet have a cleared position on the bill.

Other witnesses will include a representative from GAO to discuss its preliminary report on DPAs and NPAs; Professor Vikramaditya Khanna (Professor of Law, University of Michigan Law School); Chris Christie (Former US Attorney - New Jersey); Chuck Rosenberg (Former US Attorney - EDVA); and Congressmen Pallone and Pascrell.

3. **Tribal Justice.** The Senate Indian Affairs Committee will hold a hearing on Thursday, June 25th at 2:15 P.M on the Tribal Law and Order Act, S. 797 (628 Dirksen). Associate Attorney General Thomas Perrelli and Assistant Secretary Larry EchoHawk from the Department of Interior will be on the first panel. The Department's cleared views letter on this legislation supports the aim but provides a number of suggestions to improve the bill. The discussion during the hearing is expected to revolve around declination rates (the perception that USAOs regularly decline to prosecute cases that occur on Indian country where a federal crime has occurred) and tribal jail facilities.

B. Additional hearings of interest to the Department:

1. **Native Hawaiians.** On June 11, the House Natural Resources Committee held a hearing on H.R. 2314, the Native Hawaiian Government Reorganization Act, which would recognize the indigenous status of native Hawaiians. The Committee is expected to mark-up the legislation as early as the first full week of July. Similar legislation is pending in the Senate (S. 1011). At the hearing, the main opposition to the bill centered on the claim that it would violate the 14th Amendment's Equal Protection Clause by discriminating on the basis of race or national origin. The Administration does not yet have a cleared position on the bill, but DOJ is working with White House legislative affairs and the Department of the Interior to ensure that the Administration is in a position to engage with the Hawaii delegation on the substance of the measure by the end of June. The House Resources Committee is planning a mark-up of H.R. 2314 for Wednesday, July 8 and the Senate Indian Affairs Committee is planning a legislative hearing on the Senate companion, S. 1011. DOJ has been invited but other parameters for the hearing have not been finalized.

C. Markups:

1. **Miranda warnings.** On Wednesday, June 24 at 10:00 a.m. (2141 Rayburn), the House Judiciary Committee will mark up a privileged resolution by Rep. Rogers of Michigan, requesting the President and directing the Attorney General to transmit to the House all documents, records, and communications in their possession relating to the giving of *Miranda* warnings by the Department (and its component agencies) to terrorist suspects captured in Afghanistan. We have been working closely with the White House, the FBI and the committee to respond to this and other *Miranda*-related measures. Late last week, during its markup of the Intelligence Authorization Act, the House Permanent Select Committee on Intelligence adopted another Rogers amendment to prohibit the use of funds to provide *Miranda* warnings to foreign terrorist suspects altogether. A similar amendment may be offered to the Defense Authorization Act tomorrow.

2. **State Secrets.** On Wednesday, June 24, 2009 at 10:15 a.m. (2141 Rayburn), the House Judiciary Committee is scheduled to mark up legislation regulating the use of the state secrets privilege (H.R. 984). Similarly, the Senate Judiciary Committee is scheduled to mark up its legislation (S. 417) on Thursday, June 25, 2009 at noon (226 Dirksen). The Department has not participated in hearings or expressed views on these bills pending the conclusion of deliberations within the Administration, but we have provided classified briefings to our oversight committees regarding a pending case in which the privilege was invoked. It is uncertain whether the two committees will proceed with their markups or again postpone consideration of the bills until the Administration has weighed in.
3. **Media Shield.** On Thursday, June 25 at 10:00 a.m. (226 Dirksen), the Senate Judiciary Committee is scheduled to mark up H.R. 985/S. 448, Free Flow of Information Act of 2009, which would place limitations on the ability of the federal government to compel disclosure of information by journalists. The Department and the Administration have concerns that the legislation as introduced could undermine the Department's ability to protect national security and prosecute leaks of classified information. The Department has been working with the White House, other agencies and Congress to try to address concerns with the legislation in advance of the markup. The markup has twice been postponed while negotiations continue, and it is possible that it will be postponed once again until after the July 4 recess.
4. **The Preserve Access to Affordable Generics Act.** This legislation is on the agenda for a Senate Judiciary Committee markup on Thursday, June 25 at 10:00 AM (226 Dirksen). Briefly, this bill would amend the Clayton Act to prohibit brand name drug companies from compensating generic drug companies to settle litigation in order to delay the entry of a generic drug into the market. Department has not expressed its views on this legislation, S. 369, pending completion of a brief requested by the Second Circuit in a case that raises the same issues. There is a chance that the Senate Judiciary Committee's markup on this bill will be postponed until after the brief is filed. The deadline for the filing is July 6, 2009.

D. Pending nominations:

1. **Judicial nominees.** Three Circuit Court nominees are awaiting votes in the full Senate: David Hamilton, Seventh Circuit; Andre Davis, Fourth Circuit; and Gerard Lynch, Second Circuit.
2. **AAG nominees.** Three Assistant Attorney General nominees have been approved by the Senate Judiciary Committee and are awaiting votes in the full Senate: Dawn Johnsen, OLC; Tom Perez, Civil Rights; and Mary Smith, Tax. The nominations of Chris Schroeder (AAG for OLP) and Ignacia Moreno (AAG for ENRD) have been sent to the Senate. A hearing on the nomination of Chris Schroeder has been scheduled for Wednesday, June 24, at 10:00 a.m. in 226 Dirksen Senate Office Building
3. **U.S. Attorney nominees.** Seven U.S. Attorneys have been nominated and the Senate Judiciary Committee reported three to the full Senate on Thursday, June 18: Tristram Coffin,

D. VT; Joyce Vance, ND AL; Preet Bharara, SD NY. All three are awaiting action by the full Senate.

E. Floor:

1. **Appropriations Bills for FY 2010.** We are continuing to coordinate closely with the White House and JMD on Guantánamo-related appropriations language. Last week the House narrowly defeated, on a vote of 213-212, an amendment to the CJS Appropriations bill offered by Rep. Lewis of California, which would have prohibited funding to implement the President's executive order on Guantánamo. However, the Homeland Security Appropriations bill, which is expected to be on the floor on Wednesday, contains a committee-passed provision which would restrict transfers to the U.S. except for purposes of prosecution. Further amendments are possible when the Senate Appropriations Committee takes up the Homeland Security and CJS Appropriations bills later this week. On a related note, the House Intelligence Committee successfully resisted an amendment which would have prohibited the use of intelligence funds to transfer detainees to the U.S., adopting a modified form of the amendment that *permits* the use intelligence funds to transfer detainees to the U.S. once the administration has submitted a plan to Congress.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 7, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 10, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying:

1. **Matthew Shepard Hate Crimes Prevention Act of 2009.** Following the Attorney General's testimony before the Senate Judiciary Committee on Thursday, June 25, the Department has received written questions for the record, which we are in the process of preparing responses. We anticipate that the measure will be offered as an amendment to the Defense Authorization legislation when it is on the Senate floor the week of July 13.
2. **Military Commissions.** On Tuesday, July 7, 2009, at 9:30 a.m., in Room 106 of the Dirksen Senate Office Building, Assistant Attorney General for National Security David Kris will testify before the Senate Armed Services Committee. The hearing will focus on the Military Commissions Act of 2006 (MCA), proposed legislative fixes to the MCA, and the trial of detainees in Article III courts. Other witnesses include Jeh C. Johnson, General Counsel for the Department of Defense, and Vice Admiral Bruce E. MacDonald, USN, Judge Advocate General, United States Navy on the first panel. The second panel of witnesses are: Rear Admiral John D. Hutson, USN (Ret.), Former Judge Advocate General of the Navy; Major General John D. Altenburg, Jr., USA (Ret.), Former Appointing Authority for Military Commissions; and Daniel Marcus, Fellow in Law and Government, Washington College of Law, American University.

3. **Military Commissions.** On Wednesday, July 8, 2009 at 10:00 A.M. in 2141 Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties is holding a hearing entitled "Legal Issues Surrounding the Military Commissions System." We have no further information regarding the substance of this hearing and have not been invited to attend.
4. **Southwest Border.** House Government Reform Committee hearing entitled the Rise of the Mexican Drug Cartels and U.S. National Security on Thursday, July 9 at 10:00 a.m. in room 2154 Rayburn House Office Building. DOJ witnesses will be AAG Lanny Breuer, DEA Assistant Administrator for Intelligence Anthony Placido, ATF Acting Assistant Director William Hoover. DOJ and DHS have the key law enforcement roles related to combating the SW border violence. The first panel will be DHS Assistant Secretary Bersin, ONDCP Drug Czar and AAG Breuer. The second panel will be ATF, DEA, ICE, CBP and Treasury.

B. Additional hearings of interest to the Department:

1. **Native Hawaiians.** On June 11, the House Natural Resources Committee held a hearing on H.R. 2314, the Native Hawaiian Government Reorganization Act, which would recognize the indigenous status of native Hawaiians. The Committee is expected to mark-up the legislation as early as the first full week of July. Similar legislation is pending in the Senate (S. 1011). At the hearing, the main opposition to the bill centered on the claim that it would violate the 14th Amendment's Equal Protection Clause by discriminating on the basis of race or national origin. The Administration does not yet have a cleared position on the bill, but DOJ is working with White House legislative affairs and the Department of the Interior to ensure that the Administration is in a position to engage with the Hawaii delegation on the substance of the measure by the end of June. The House Resources Committee is planning a mark-up of H.R. 2314 for Thursday, July 9 and the Senate Indian Affairs Committee is planning a legislative hearing on the Senate companion, S. 1011. DOJ has been invited but other parameters for the hearing have not been finalized.

C. Markups:

1. **Native Hawaiians.** H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009, will be marked up by the House Natural Resources Committee on Thursday, July 9 (committee has not published a time). DOJ has worked with DOI and WH leg affairs extensively to redline changes to the bill to increase the likelihood that the bill would withstand a Constitutional challenge if enacted. DOI and DOJ met with the Natural Resources Committee staff on Thursday, July 2 laying out our concerns with the current definition section and the evidence of self-governance. As of late, July 6, OMB was working to clear a redline version of the bill to provide to the staff for a managers amendment. DOJ has constitutional concerns with the introduced version of the bill.

D. Pending nominations:

1. **Judicial nominees.** Three Circuit Court nominees are awaiting votes in the full Senate: David Hamilton, Seventh Circuit; Andre Davis, Fourth Circuit; and Gerard Lynch, Second Circuit.
2. **AAG nominees.** Three Assistant Attorney General nominees have been approved by the Senate Judiciary Committee and are awaiting votes in the full Senate: Dawn Johnsen, OLC; Tom Perez, Civil Rights; and Mary Smith, Tax. The nominations of Chris Schroeder (AAG for OLP) and Ignacia Moreno (AAG for ENRD) have been sent to the Senate. A hearing was held on the nomination of Chris Schroeder on Wednesday, June 24, and the nominee is in the process of responding to questions for the record. We do not anticipate that the Committee will vote on his nomination until after the hearings on the Supreme Court nominee.
3. **U.S. Attorney nominees.** Seven U.S. Attorneys have been nominated and the Senate Judiciary Committee reported five to the full Senate: Tristram Coffin, D VT; Joyce Vance, ND AL; Preet Bharara, SD NY; John Kacavas, D NH; and Todd Jones, D MN. All five are awaiting action by the full Senate.

E. Floor:

[Nothing reported to me – will take this off if nothing comes in]



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 14, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 17, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying:

1. **Southwest Border Violence.** On Thursday, July 16 at 10:00 a.m. in 311 Cannon House Office Building, the House Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism will hold a hearing on Narcotics and Weapons along the border. DEA Assistant Administrator Tony Placido and ATF Deputy Assistant Director William G. McMahon will testify. The Subcommittee intends to focus on coordination issues between ATF, DEA, and ICE related to investigations of narcotics and weapons along our borders. The recent MOUs between DEA and ICE (regarding title 21) and ATF and ICE will be a topic. We expect that the only witnesses will be ICE, DEA, and ATF.
2. **Nuclear Waste Management.** On Thursday, July 16th at 10:00 a.m. in 210 Cannon House Office Building, Mike Hertz, Deputy Assistant Attorney General in the Civil Division, will testify before the House Budget Committee at a hearing entitled, "Nuclear Waste Management." He will be joined by two other witnesses, the acting director of Civilian Radioactive Waste Management at the Department of Energy (DOE) and the chief of the Physical Resources Cost Estimates Unit at the Congressional Budget Office. The focus of the hearing will be on the Administration's change in position with regard to the disposal of

nuclear waste in Yucca Mountain, Nevada. The Department represents DOE in litigation concerning its obligations under the Nuclear Waste Policy Act. The Budget Committee takes an interest in these cases due to the significant fiscal liabilities to the Government.

B. Additional hearings of interest to the Department:

1. **Mandatory Minimums.** The House Judiciary Crime Subcommittee will hold a hearing on Tuesday, July 14 at 10:30 a.m. in 2141 Rayburn House Office Building. DOJ is not providing a witness (nor were we asked to). The witness list has not been published; however, the hearing will focus on the following bills: H.R. 2934, the "Common Sense in Sentencing Act of 2009"; H.R. 834, the "Ramos and Compean Justice Act of 2009"; and H.R. 1466, the "Major Drug Trafficking Prosecution Act of 2009".
2. **Youth Crime Reduction.** The House Judiciary Committee will hold a hearing on H.R. 1064, the "Youth PROMISE Act" (Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education) on Tuesday, July 14 at 3:00 p.m. in 2141 Rayburn House Office Building. DOJ is not providing a witness (we were asked and declined). The witnesses will be Marian Wright Edelman (President and Founder of the Children's Defense Fund), Tracy Velasquez (Executive Director of the Justice Policy Institute), Sheriff Lee Baca (Los Angeles County Sheriff's Dept), Dr. Deborah Prothrow-Stith (formerly dean and professor of Public Health at Harvard School of Public Health – now a consultant for Spencer Stuart), Judge Ernestine Gray (past president of the National Council of Juvenile and Family Court Judges) and two other undisclosed witness. The Youth PROMISE Act, introduced by Chairman Scott, currently has 225 bipartisan cosponsors. The Department declined to testify because it is in the midst of White House efforts to broker a compromise between that bill and S. 132, anti-gang legislation introduced by Senator Feinstein.
3. **Military Commissions.** The House Armed Services Committee will hold a hearing titled, "Prosecuting Law of War Violations: Reforming the Military Commissions Act of 2006," on Thursday, July 16 at 2:00 p.m. in 2118 Rayburn House Office Building. The witnesses will be Vice Admiral Bruce E. MacDonald, Judge Advocate General, U.S. Navy; Lieutenant General Jack L. Rives, Judge Advocate General, U.S. Air Force; Lieutenant General Scott C. Black, Judge Advocate General, U.S. Army; and Brigadier General James C. Walker, Staff Judge Advocate to the Commandant, U.S. Marine Corps. The Department and DoD have been invited to testify concerning military commission reform on Friday, July 24. The witnesses will be AAG David Kris and DoD General Counsel Jeh Johnson, both of whom testified on this subject before the Senate Armed Services Committee last week.

C. Markups:

1. **Intelligence.** The Senate Select Intelligence Committee will mark up the Intelligence Authorization Bill for FY2010 on Wednesday, July 15 at 2:30 p.m. in S-407, The Capitol. The committee is also expected to mark up S. 147, the "Lawful Interrogation and Detention Act," introduced by Senator Feinstein.

D. Pending nominations:

1. **Judicial nominees.** In addition to Supreme Court nominee Sonia Sotomayor, whose confirmation hearings before the Senate Judiciary Committee began on Monday, July 13, three Circuit Court nominees are awaiting votes in the full Senate: David Hamilton, 7th Cir.; Andre Davis, 4th Cir.; and Gerard Lynch, 2d Cir. There are two circuit nominees pending in the Senate Judiciary Committee: Joseph Greenaway, 3rd Cir., and Beverly Martin, 11th Cir. On July 8, Irene Berger was nominated to be a U.S. District Judge for the Southern District of West Virginia and Roberto Lange was nominated to be a U.S. District Judge for the District of South Dakota. Those two nominees join Charlene Honeywell, U.S. District Judge for the Middle District of Florida, and Jeffrey Viken, U.S. District of South Dakota, pending in the Senate Judiciary Committee.
2. **AAG nominees.** Three Assistant Attorney General nominees have been approved by the Senate Judiciary Committee and are awaiting votes in the full Senate: Dawn Johnsen, OLC; Tom Perez, Civil Rights; and Mary Smith, Tax. The nominations of Chris Schroeder (AAG for OLP) and Ignacia Moreno (AAG for ENRD) have been reported favorably by the Committee to the Senate. A hearing was held on the nomination of Chris Schroeder on Wednesday, June 24, and the nominee has responded to questions for the record. We do not anticipate that the Committee will vote on his nomination until after the hearings on the Supreme Court nominee. There are three courtesy visits scheduled for Ignacia Moreno for the week of July 20.
3. **U.S. Attorney nominees.** Seven U.S. Attorneys have been nominated and the Senate Judiciary Committee reported five of these to the full Senate: Tristram Coffin, D.Vt.; Joyce Vance, N.D.Ala.; Preet Bharara, S.D.N.Y.; John Kacavas, D.N.H.; and Todd Jones, D.Minn. All five are awaiting action by the full Senate. The White House announced the intent to nominate an additional six U.S. Attorneys on July 10.

E. Floor:

1. **Hate Crimes Prevention.** Following the Attorney General's June 25 testimony before the Senate Judiciary Committee in support of S. 909, the Matthew Shepard Hate Crimes Prevention Act, the Department received written questions for the record on this bill, to which we are in the process of preparing responses. We anticipate that Senator Leahy will offer the measure as an amendment to the Defense Authorization bill, which is on the Senate floor this week.
2. **Military Commissions Act reforms.** The Defense Authorization Bill also will be the vehicle for revisions to the Military Commissions Act of 2006 (MCA). Provisions authored by Senators Levin and Graham are included in the base bill. In addition, the Department is working closely with the White House and the sponsors on a manager's amendment to enhance the protection of classified information in military commission proceedings.

3. **Defense Authorization Amendments.** Other potential Senate floor amendments to the Defense Authorization bill of interest to the Department include further restrictions on the transfer of Guantanamo detainees, curtailment of the use of Miranda warnings overseas, and various efforts to weaken current gun control laws.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 21, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 24, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying:

1. **Military Commissions.** The House Armed Services Committee has invited the Department and DoD to testify concerning military commission reform and detainee policy on Friday, July 24 at 10:00 a.m. in 2118 Rayburn House Office Building. The witnesses will be AAG David Kris and DoD General Counsel Jeh Johnson, both of whom testified on military commission reform before the Senate Armed Services Committee on July 7.
2. **Bureau of Prisons.** The House Judiciary Committee Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the Federal Bureau of Prisons (BOP) Oversight on Tuesday, July 21 at 10:00 a.m. in 2237 Rayburn House Office Building and invited the Department to testify. The witness was BOP Director Harley G. Lappin. Lappin's testimony covered the federal inmate population; institution crowding; inmate health care; inmate reentry; inmate work programs; education, vocational training and occupational training; substance abuse treatment; specific pro-social values programs; life connections; inmate skills development initiative; and specific release preparation efforts.

B. Pending nominations:

1. **Judicial nominees.** In addition to Supreme Court nominee Sonia Sotomayor, whose confirmation hearings before the Senate Judiciary Committee concluded last Thursday, July 16, three Circuit Court nominees are awaiting votes in the full Senate: David Hamilton, 7th Cir.; Andre Davis, 4th Cir.; and Gerard Lynch, 2d Cir. There are two circuit nominees pending in the Senate Judiciary Committee: Joseph Greenaway, 3rd Cir., and Beverly Martin, 11th Cir. On July 8, Irene Berger was nominated to be a U.S. District Judge for the Southern District of West Virginia and Roberto Lange was nominated to be a U.S. District Judge for the District of South Dakota. Those two nominees join Charlene Honeywell, U.S. District Judge for the Middle District of Florida, and Jeffrey Viken, U.S. District of South Dakota, pending in the Senate Judiciary Committee.
2. **AAG nominees.** Three Assistant Attorney General nominees have been approved by the Senate Judiciary Committee and are awaiting votes in the full Senate: Dawn Johnsen, OLC; Tom Perez, Civil Rights; and Mary Smith, Tax. The nominations of Chris Schroeder (AAG for OLP) and Ignacia Moreno (AAG for ENRD) have been reported favorably by the Committee to the Senate. A hearing was held on the nomination of Chris Schroeder on Wednesday, June 24, and the nominee has responded to questions for the record. We do not anticipate that the Committee will vote on his nomination until after the hearings on the Supreme Court nominee. There are three courtesy visits scheduled for Ignacia Moreno this week.
3. **U.S. Attorney nominees.** Seven U.S. Attorneys have been nominated and the Senate Judiciary Committee reported five of these to the full Senate: Tristram Coffin, D.Vt.; Joyce Vance, N.D.Ala.; Preet Bharara, S.D.N.Y.; John Kacavas, D.N.H.; and Todd Jones, D.Minn. All five are awaiting action by the full Senate. The White House nominated an additional six U.S. Attorneys on July 10.

C. Floor:

1. **Hate Crimes Prevention.** The Attorney General's letter urging support for the Matthew Shepard Hate Crimes Prevention Act was transmitted to the Senate leadership on July 15. On July 16, the Senate adopted this legislation as an amendment to the Defense Authorization bill, after rejecting a Hatch substitute amendment by 62-29 and invoking cloture by 63-28. A Brownback amendment was adopted that provides that the law will not be applied in a manner that infringes First Amendment rights or substantially burdens any exercise of religion, along with a Leahy amendment on the First Amendment that is preferable. On July 20, the Senate adopted an amendment adding the death penalty in certain circumstances as well as an amendment requiring DOJ to include guidelines in the USA Manual establishing neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person, and to undertake hate crimes prosecutions pursuant to these guidelines. (A more onerous Sessions amendment was modified to address DOJ's concerns.) Another Sessions amendment was adopted that adds "U.S. Servicemen" to the protected categories.

2. **Military Commissions Act reforms.** The Defense Authorization Bill also will be the vehicle for revisions to the Military Commissions Act of 2006 (MCA). Provisions authored by Senators Levin and Graham are included in the base bill. In addition, the Department is working closely with the White House and the sponsors on a manager's amendment to enhance the protection of classified information in military commission proceedings.
3. **Defense Authorization Amendments.** Other potential Senate floor amendments to the Defense Authorization bill of interest to the Department include further restrictions on the transfer of Guantanamo detainees and efforts to weaken current gun control laws.

D. Briefings

1. **Interrogations Task Force "listening" briefing.** We have invited the staff of the House leadership and the House Judiciary, Intelligence and Armed Services Committees to a listening session with the Executive Order Interrogations Task Force director and a State Department representative on Wednesday, July 22 at 12:00 p.m. in the 2148 Rayburn House Office Building. The purpose of the briefing will be to get the perspective of staff members who have studied interrogation, transfer, and rendition issues.
2. **Amerithrax briefing.** On Friday, July 24, and prior to notifying the media, the Department and the FBI plan to brief victims and relevant congressional committees regarding the closure of the Amerithrax investigation.
3. **New Black Panthers.** On July 20, career attorneys from the Civil Rights Division, joined by FBI representatives, briefed Rep. Frank Wolf on the New Black Panthers case. Another briefing, for Rep. Lamar Smith and either Rep. Conyers or Rep. Nadler, is being arranged for the week of July 27.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 28, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 31, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Terrorist Prosecutions.** AAG David Kris and DoD General Counsel Jeh Johnson, who testified jointly before the Senate and House Armed Services Committees on July 7 and July 24, will testify twice more this week regarding terrorist prosecutions before military commission and Article III courts. On Tuesday, July 28, 2009, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, they will appear before the Senate Judiciary Subcommittee on Terrorism and Homeland Security at a hearing entitled, "Prosecuting Terrorists: Civilian and Military Trials for GTMO and Beyond." A second panel will include former prosecutor David Laufman, a partner at Kelley, Drye & Warren, LLP; Deborah Pearlstein, Associate Research Scholar, Woodrow Wilson School of Public and International Affairs; and former NSC counsel Michael Edney, now of Gibson, Dun & Crutcher, LLP.

On Thursday, July 30, 2009, at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, Messrs. Kris and Johnson will testify before the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties at a hearing entitled "Proposals to Reform the Military Commissions System."

B. Additional hearings of interest to the Department

1. **Peer-to-peer file sharing.** On Wednesday, July 29th at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing on the risks of peer-to-peer file sharing. Listed witnesses are Mark Gorton, chairman of the Lime Group; Robert Boback, CEO of Tiversa, Inc.; and Thomas D. Sydnor II, senior fellow and director of the Center for the Study of Digital Property, the Progress and Freedom Foundation. While the department is not testifying at this hearing, representatives of CCIPS briefed the committee staff last week about their enforcement efforts with regard to peer-to-peer file sharing. Staffers raised the issue of Limewire's ability to breach classified documents and spread them on the internet as well as the work that Tiversa has done in this area; Tiversa is a security software company that identifies breached internet files and identity theft.
2. **Indian Affairs.** On Thursday, July 30 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building the Senate Indian Affairs Committee will hold a hearing examining the Department of Justice Report prepared by the Executive Office for U.S. Attorneys, "Prosecution of Serious Crimes in Indian Country," which accompanied the FY 2009 Omnibus Appropriations Act (P.L. 111-8). The Committee has invited the Department and FBI to testify concerning the increase of gang activity in Indian country; both have declined to send witnesses at this time.

C. Pending nominations

1. **Judicial nominees.** On Tuesday, July 28, the Senate Judiciary Committee favorably reported the nomination of Supreme Court nominee Sonia Sotomayor. The full Senate is expected to act on the nomination before the August recess. Three Circuit Court nominees have been approved by the committee and are awaiting votes in the full Senate: David Hamilton, 7th Cir.; Andre Davis, 4th Cir.; and Gerard Lynch, 2d Cir. The Senate Judiciary Committee has scheduled a hearing on the nomination of Beverly Martin, 11th Circuit, and the nomination of Jeffrey Viken, District of South Dakota, for July 29.
2. **AAG nominees.** Four Assistant Attorney General nominees have been approved by the Senate Judiciary Committee and are awaiting votes in the full Senate: Dawn Johnsen, OLC; Tom Perez, Civil Rights Division; Mary Smith, Tax Division; and, on Tuesday, July 28, Christopher Schroeder, OLP. The committee also approved the nomination of Cranston Mitchell to be a member of the U.S. Parole Commission. We do not anticipate a hearing on the nomination of Ignacia Moreno, the nominee to be the Assistant Attorney General for the Environment and Natural Resources Division, until September.
3. **U.S. Attorney nominees.** Thirteen U.S. Attorneys have been nominated and the Senate Judiciary Committee reported five of these to the full Senate: Tristram Coffin, D.Vt.; Joyce

Vance, N.D.Ala.; Preet Bharara, S.D.N.Y.; John Kacavas, D.N.H.; and Todd Jones, D.Minn. All five are awaiting action by the full Senate.

D. Markups

On Wednesday, July 29, at 10:00 a.m. in room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up a number of pending bills and resolutions, including:

1. H.Res. 636, a resolution of inquiry by Rep. Frank Wolf, directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the transfer or release of detainees held at Guantanamo. We anticipate that the Committee will report the resolution adversely, effectively preventing it from going to the floor as a privileged resolution.
2. H.Res. ____, a resolution authorizing the House General Counsel to seek immunity for certain witnesses in connection with the Porteous impeachment inquiry.
3. H.R. 3245, introduced by Rep. Bobby Scott (D-VA), which would eliminate the current sentencing disparity for cocaine offenses.
4. H.R. 3327, introduced by Reps. Bobby Scott (D-VA) and Ted Poe (R-TX), which would authorize federal judges to impose a sentence below the mandatory minimum under certain circumstances when necessary to prevent injustice.
5. The markup notice also lists a number of other measures of importance to the Department, such as H.R. 984, the State Secrets Protection Act, but we do not expect the committee to take these up until after the August recess.

E. Floor

1. **Defense Authorization Act.** On July 23, the Senate passed S. 1390, the Defense Authorization Act for FY 2010, which includes two departmental priorities not included in the House version of the legislation: the Matthew Shepard Hate Crimes Prevention Act, on which the Attorney General testified before the Judiciary Committee on June 25; and amendments to the Military Commissions Act of 2006 (MCA). The Senate and House bills must now be reconciled in conference.

F. Briefings

1. **Interrogations Task Force.** Similar to the listening briefing that was held last week for House leadership and the House Judiciary, Intelligence and Armed Services Committees, we have invited Senate leadership, as well as Senate Judiciary, Intelligence, and Armed Services Committees to a listening session with the director of the Interrogations Task Force and a State Department representative on Wednesday, July 29, at 4:00 p.m. at the Hart Senate Office Building, Room 512. The purpose of the briefing will be to hear the views of congressional staff members with regard to the issues under review by the Task Force.

2. **NSA surveillance authority compliance.** The Oversight and Investigations Subcommittee of the House Permanent Select Committee on Intelligence has invited the Director of the National Security Agency, the NSA General Counsel, and the Department to brief Members of the Subcommittee regarding the results of the NSA's operational review of all of its programs. The Department is expected to explain the position of the Foreign Intelligence Surveillance Court regarding this review and other NSA issues before the Court. DAAG Todd Hinnen and NSD attorney Robert Boyer will represent the Department. The briefing is scheduled for Thursday, July 30, at 3:00 p.m. in Room 304 of the House Visitor's Center.
3. **New Black Panthers.** Career attorneys in the Civil Rights Division are scheduled to provide a briefing on this case to members of the Judiciary Committee on Thursday, July 30 at 4:30 p.m. in Room 2237 of the Rayburn House Office Building.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 9, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 12, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Fraud in the Recovery Act.** On Thursday, September 10 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Department's Antitrust Division will provide a statement for the record at a hearing entitled "Follow the Money: An Update on Stimulus Spending, Transparency, and Fraud Prevention," before the Senate Committee on Homeland Security and Governmental Affairs. The witnesses will be Robert L. Nabors, II, Deputy Director of the Office of Management and Budget; Jon D. Leibowitz, Chairman of the Federal Trade Commission; Earl E. Devaney, Chairman of the Recovery Accountability and Transparency Board; and J. Christopher Mihm, Managing Director for Strategic Issues at the U.S. Government Accountability Office.

B. Additional hearings of interest to the Department

1. **Strengthening Forensic Science.** On Wednesday, September 9th at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled "Strengthening Forensic Science in the United States." The Department will not be

testifying; other witnesses include Eric Buel from Vermont's Department of Public Safety, Peter Neufeld, the co-director of the Innocence Project, Harold Hurtt, the chief of police of the Houston Police Department, Paul Giannelli, a professor at Case Western Reserve University, Barry Matson, the deputy director for the Alabama District Attorneys Association, and Matthew F. Redle, a county and prosecuting attorney from Sheridan, Wyoming.

2. **PATRIOT Act Reauthorization.** On Wednesday, September 9 at 10:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold the first of several hearings on reauthorization of the USA PATRIOT Act. Witnesses will include Kenneth L. Wainstein, former Assistant Attorney General for National Security; Suzanne Spaulding, former Staff Director, House Permanent Select Committee on Intelligence; Michael German, Policy Counsel to the American Civil Liberties Union; and former Rep. Thomas B. Evans, Jr. of Delaware. We anticipate that the Department will provide testimony at future House and Senate hearings once there is a cleared administration position.

C. Pending nominations

1. **AAG Nominees.** On Wednesday, September 9th at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on four judicial nominees (Joseph Greenaway, Third Circuit; Roberto Lange, D SD; Irene Berger, SD WV; and Charlene Honeywell, MD FL) and the nominee for AAG for the Environment and Natural Resources Division, Ignacia Moreno.
2. **Judicial and U.S. Attorney Nominees.** On Thursday, September 10th at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold an Executive Business Meeting. The following nominees are listed on the agenda: Beverly Martin, for the 11th Cir; Jeffrey Viken for the District Court, D SD; Peter Neronha, USA for D RI; Daniel Bogden, USA for NV; Dennis Burke, USA for AZ; Neil MacBride, USA for EDVA. It is possible that two more USA nominees – Jenny Durkan, (WDWA) and Paul Fishman (NJ) – will be added to the agenda, but they are not currently listed. The nominees on the agenda, with the possible exception of the USA nominees, are likely to be held over for a vote at the next session.

D. Markups

1. **Indian Affairs.** On Thursday, September 10th at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building the Senate Indian Affairs Committee will hold a Business meeting to cover, among other bills, S. 797, the Tribal Law and Order Act of 2009 to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

E. Briefings

1. **Cybersecurity.** The Department and DHS will conduct joint classified briefings this week for House and Senate Intelligence, Judiciary, and Homeland Security Committees concerning the Einstein 3.0 program (E3) and the 2511 recently signed by the Attorney General.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 15, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 18, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Mental Illness in US Prisons and Jails.** On Tuesday, September 15 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Mary Lou Leary, the Acting AAG for OJP, Harley Lappin, the Director of the Bureau of Prisons, and Samuel Bagenstos, the Deputy Assistant Attorney General for the Civil Rights Division will testify before the Senate Judiciary Human Rights Subcommittee at a hearing entitled: "Human Rights at Home: Mental Illness in US Prisons and Jails." A second panel will include a representative of the Illinois Department of Corrections, the Maryland Department of Corrections, a former prisoner, and Catherine Zenoff, an Illinois State Court Judge who chairs the National Commission on Mental Health Courts.
2. **FBI Oversight Hearing.** On Wednesday, September 16 at 10:00 a.m., in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold an oversight hearing on the FBI. Director Mueller will testify.

B. Additional hearings of interest to the Department

1. **Small, minority and disadvantaged businesses.** On Thursday, September 17 at 1:30 p.m. in Room 2167 of the Rayburn House Office Building, the House Transportation and Infrastructure Committee's Subcommittee on Economic Development, Public Buildings and Emergency Management, will hold a hearing on Small, Minority and Disadvantaged Businesses entitled: "Doing Business with the Government: The Record and Goals for Small, Minority, and Disadvantaged Businesses." Neither the Department of Commerce nor the Department of Justice is testifying at this hearing.

C. Pending nominations

1. **AAG Nominees.** On Wednesday, September 9 the Senate Judiciary Committee held a hearing on the nominee for AAG for the Environment and Natural Resources Division, Ignacia Moreno. We anticipate that we will receive questions for the record this week.

Laurie Robinson was nominated on Monday, September 14 to serve as AAG for the Office of Justice Programs.

2. **Judicial Nominees.** On Wednesday, September 9 the Senate Judiciary Committee held a hearing on four judicial nominees (Joseph Greenaway, Third Circuit; Roberto Lange, D SD; Irene Berger, SD WV; and Charlene Honeywell, MD FL).

On Thursday, September 10 the Senate Judiciary Committee approved the following nominations by voice vote en banc: Beverly Baldwin Martin, to be a U.S. Circuit Judge for the Eleventh Circuit and Jeffrey L. Viken, to be a U.S. District Judge for the District of South Dakota.

3. **U.S. Attorney Nominees.** On Tuesday, September 15, the Senate confirmed the following U.S. Attorneys nominees: Steven Dettelbach, U.S. Attorney for the Northern District of Ohio; Carter Stewart, U.S. Attorney for the Southern District of Ohio; Peter F. Neronha, U.S. Attorney for the District of Rhode Island; Daniel G. Bogden, U.S. Attorney for the District of Nevada; Dennis K. Burke, U.S. Attorney for the District of Arizona; and Neil H. MacBride, U.S. Attorney for the Eastern District of Virginia.

The following U.S. Attorney nominations are on the agenda for the Committee's consideration on September 17: Paul Fishman for the District of New Jersey, and Jenny Durkan for the Western District of Washington.

D. Markups

1. **Senate Judiciary Committee.** The Senate Judiciary Committee last week began debate on S. 448, popularly known as the "media shield" bill. The Department, the White House, and other agencies have been engaged in extended negotiations over the bill and we have significant concerns with the current language which we are working to address. An

amendment in the nature of a substitute was adopted as the base text by voice vote. The substitute was held over for a week and will be taken up on Thursday, September 17 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.

The Committee also will continue debate on S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market. A substitute was adopted at last week's markup and was held over for a week.

The Committee approved S. 1599, a bill to amend Title 36, US Code, to include in the federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

E. Briefings

1. **Federal contracting.** On Tuesday, September 15, representatives of the Civil Rights Division and OLA will brief staff for the House Small Business Committee about the significance of the Rothe decision on race conscious Federal contracting programs.

On Thursday, September 17, the same representatives of the Civil Rights Division and OLA will provide a briefing on the same topic for staff of the Senate Small Business Committee.

2. **Interrogation and transfer policy.** On Wednesday, September 16 at 2:00 p.m. in S-407, The Capitol, the Special Task Force on Interrogation and Transfer Policy will provide a classified briefing to House and Senate committee staff on the classified portions of the task force's report to the President. The briefing will be conducted by an interagency team led by Task Force Co-Chair Douglas Wilson (DOJ) and Tom Heinemann (State).
3. **Juvenile facilities.** On Thursday, September 17, representatives of the Civil Rights Division and OLA will brief Congressman Bennie Thompson about the work of the Special Litigation Division with regard to juvenile facilities in the Congressman's district.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 22, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 25, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **USA PATRIOT Act (House Hearing).** On Tuesday, September 22 at 11:00 a.m. in Room 2141 of the Rayburn House Office Building, Deputy Assistant Attorney General for National Security Todd Hinnen will testify before the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties on the USA PATRIOT Act. The subcommittee will hear testimony regarding reauthorization of the three expiring provisions of the Act and will consider whether modifications should be made to those authorities. The Department has submitted a views letter urging reauthorization of the three provisions while expressing its willingness to consider additional protections for privacy and civil liberties that do not undermine the effectiveness of these authorities. The Department's testimony will be followed by a second panel that will include Kenneth L. Wainstein, former Assistant Attorney General for National Security and now a principal at O'Melveny & Myers LLP; Suzanne Spaulding, former staff director, House Permanent Select Committee on Intelligence and now a principal at Bingham Consulting Group; Michael German, Policy Counsel to the American Civil Liberties Union; and former Rep. Thomas B. Evans, Jr. of Delaware.

USA PATRIOT Act (Senate Hearing). On Wednesday, September 23 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Assistant Attorney General for National Security David Kris and Inspector General Glenn Fine will testify before the Senate Judiciary Committee at a hearing entitled “Reauthorizing the USA PATRIOT Act: Ensuring Liberty and Security.” The committee will hear testimony regarding reauthorization of the three expiring provisions of the Act and will consider whether modifications should be made to those authorities. The Department has submitted a views letter urging reauthorization of the three provisions while expressing its willingness to consider additional protections for privacy and civil liberties that do not undermine the effectiveness of these authorities. The Department’s testimony will be followed by a second panel that will include Kenneth L. Wainstein, former Assistant Attorney General for National Security and now a principal at O’Melveny & Myers LLP; Suzanne Spaulding, former staff director, House Permanent Select Committee on Intelligence and now a principal at Bingham Consulting Group; and Lisa Graves, Executive Director, Center for Media & Democracy.

2. **Parole Commissions and D.C.** On Tuesday, September 22 at 2:00 p.m. in Room 2247 of the Rayburn House Office Building, U.S. Parole Commission Chairman Isaac Fulwood, Jr. will testify before the Subcommittee on Federal Workforce, Postal Service and the District of Columbia at a hearing entitled “The Local Role of the United States Parole Commission: Increasing Public Safety, Reducing Recidivism, and Using Alternatives to Re-incarceration in the District of Columbia.” The Subcommittee, under the jurisdiction of the House Committee on Oversight and Government Reform, retains oversight responsibility and authority with regards to the USPC’s jurisdiction over District of Columbia Criminal Code Offenders. To this end, the upcoming hearing will examine the following issues: (1) the pending agenda of the USPC in light of its new Chairman; (2) increasing public safety in the District of Columbia; (3) reducing recidivism in the District of Columbia; and (4) alternatives to re-incarceration in the District of Columbia. The additional witnesses on Panel 1 are Adrienne Poteat, the Acting Director of CSOSA, and Laura Hankins, Special Counsel at the D.C. Office of the Public Defender.
3. **FISA Compliance.** On Tuesday, September 22 at 2:30 p.m. in Room S-204 of the Capitol, Assistant Attorney General for National Security David Kris will testify before the Senate Select Committee on Intelligence at a closed hearing on FISA compliance. Also participating in the hearing will be the Director of the National Security Agency, Lt. Gen. Keith B. Alexander, and ODNI General Counsel Robert Litt.
4. **Innocence Protection Act Reauthorization.** On Tuesday, September 22 at 2:30 p.m. in Room 2141 of the Rayburn House Office Building, Lynn Overmann, a Senior Advisor in the Office of Justice Programs will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at a hearing entitled: “Innocence Protection Act Reauthorization.” Her testimony will focus on the implementation of the provisions of the Act which provide for grants for post-conviction DNA testing and counsel in capital cases. Also testifying at the hearing will be Stephen Bright, President of the Southern Center for Human Rights; Barry Scheck, co-founder of the Innocence Project; and Karen Goodrow, Director of the Connecticut Innocence Project.

B. Additional hearings of interest to the Department

1. **Small Business Contracting.** On Tuesday, September 22 at 10:00 a.m. in Room 485 of the Russell Senate Office Building, the Senate Small Business Committee is holding a roundtable entitled "Small Business Contracting: Ensuring Opportunities for America's Small Businesses." On Thursday, September 24, at 10:00 a.m. in the same location, the Committee will hold a roundtable entitled "Minority Entrepreneurship: Evaluating Small Business Resources and Programs."
2. **Employment Non-Discrimination Act.** On Wednesday, September 23 at 10:00 a.m. in Room 2175 of the Rayburn House Office Building, the House Committee on Education and Labor will hold a hearing on the Employment Non-Discrimination Act of 2009, which would prohibit workplace discrimination on the basis of sexual orientation or gender identity. The witnesses will include Stuart Ishimaru, Acting Chairman of the EEOC, testifying on behalf of the Administration.

C. Pending nominations

1. **AAG Nominees.** On Thursday, September 24 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a business meeting at which the nomination of Ignacia Moreno for AAG for the Environment and Natural Resources Division is on the agenda. We anticipate that this nomination will be held over for one week.
2. **Judicial Nominees.** On September 17, the Senate confirmed Gerard Lynch for the Second Circuit by a vote of 94-3.

On Wednesday, September 23 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on four District Court nominees: Jacqueline H. Nguyen, Central District of California; Dolly M. Gee, Central District of California; Richard Seeborg, Northern District of California; and Edward M. Chen, Northern District of California.

The following judicial nominations are on the Senate Judiciary Committee's agenda for consideration on September 24: Joseph A. Greenaway, Third Circuit; Charlene Honeywell, Middle District of Florida; Irene Cornelia Berger, Southern District of West Virginia; and Roberto A. Lange, District of South Dakota. We anticipate that these nominations will be held over for one week.

3. **U.S. Attorney Nominees.** The following U.S. Attorney nominations are on the agenda for the Senate Judiciary Committee's consideration on September 24: Paul Fishman, District of New Jersey and Jenny Durkan, Western District of Washington (both of whom were held over on September 17); Florence T. Nakakuni, District of Hawaii; and Deborah K. Gilg, District of Nebraska.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, September 24 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will resume consideration of S. 448, the Free Flow of Information Act, popularly known as the “media shield” bill. The Department, the White House, and other agencies have been engaged in extended negotiations over the bill and we have significant concerns with the current language which we are working to address.
2. **Senate Finance Committee.** On Tuesday, September 22 at 9:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Finance Committee will begin the markup of the “America's Healthy Future Act of 2009.” The markup is expected to last several days. The Department continues to monitor actions taken at the markup, and in particular, amendments related to the fraud, waste and abuse section of the bill.

E. Briefings

1. **USA PATRIOT Act.** On Thursday, September 24 at 1:00 p.m. in Room 304 of the House Visitor's Center, Deputy Assistant Attorney General for National Security Todd Hinnen will brief staff from the House Permanent Select Committee on Intelligence on the three expiring provisions of the USA Patriot Act.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 29, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 2, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Steroids and Steroid-like Substances.** On Tuesday, September 29 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, DEA Deputy Administrator for Diversion Control Joseph Rannazzisi will testify before the Senate Judiciary Subcommittee on Crime and Drugs at a hearing on Steroids and Steroid-like substances entitled, "Body Building Products and Hidden Steroids: Enforcement Barriers." The purpose of this hearing is to examine the issues surrounding the problem of more and more dietary supplements containing controlled substances. The Subcommittee is interested in background on the wide-ranging problem of steroid use and abuse, and in hearing about the Department's efforts to meet the challenges involved, especially that manufacturers seem to be "one step ahead" of law enforcement.
2. **Crime Victims Rights Act.** On Tuesday, September 29 at 4:00 p.m. Deputy Assistant Attorney General for OLP Laurence Rothenberg and Acting Assistant Attorney General for OJP Mary Lou Leary will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security on the Crime Victims Rights Act. The purpose of this hearing is to provide a forum for the Department to outline the actions it has taken to implement the provisions of the Crime Victims Rights Act of 2004, particularly with

reference to the recent GAO Report on the subject. In order to provide as complete a response to the Committee's questions as possible, the Department is providing two witnesses for this hearing. DAAG Rothenberg will address implementation issues, while Acting AAG Leary will discuss the grant funding provided for in the CVRA.

3. **Terrorism.** On Wednesday, September 30 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, FBI Director Robert Mueller will testify before the Senate Committee on Homeland Security and Government Affairs regarding the current terrorist threats and the nation's effort to address those threats at a hearing entitled "Eight Years After 9/11: Confronting the Terrorist Threat to the Homeland." Additional Witnesses include U.S. Department of Homeland Security Secretary Janet A. Napolitano and Office of the Director of National Intelligence's Director of the National Counterterrorism Center Michael E. Leiter.
4. **FOIA.** On Wednesday, September 30 at 10:00 a.m. in room 226 of the Dirksen Senate Office Building, Associate Attorney General Thomas Perrelli will testify before the Senate Judiciary Committee at a hearing entitled "Advancing Freedom of Information in the New Era of Responsibility." Miriam Nisbet of the Office of Government Information Services of the National Archives and Records Administration will also testify. The hearing will focus on implementation of the Attorney General's FOIA guidelines and other FOIA reforms under the OPEN Government Act.
5. **Controlled Substance Abuse in Medicaid.** On Wednesday, September 30 at 3:00 p.m. in Room 342 of the Dirksen Senate Office Building, DEA Deputy Administrator for Diversion Control Joseph Rannazzisi will testify before the Senate Homeland Security Subcommittee on Federal Financial management, Government Information, Federal Services and International Security at a hearing entitled "A Prescription for Waste: Controlled Substance Abuse in Medicaid." We expect that the Committee's questions will focus on two areas: (1) the problem of doctors who are not legally permitted to prescribe certain schedules prescribing them anyhow, and getting them paid for, and how doctors get certified to prescribe certain schedules of drugs; and (2) the "take-back" issue involving wholesale pharmacies who ship prescription drugs to nursing homes. Our witness may be queried extensively about the take-back issue, since the staff thinks that it is very interesting, and that it was not covered sufficiently in the recent GAO report on DEA scheduling, banned providers, and doctor-shopping.

B. Additional hearings of interest to the Department

1. **Federal Judgeships.** On Wednesday, September 30 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts will hold a hearing entitled "Responding to the Growing Need for Federal Judgeships: The Federal Judgeship Act of 2009." Testifying will be Judges George Z. Singal, District of Maine; Lawrence J. O'Neill, EDCA; and Gerald B. Tjoflat, Eleventh Circuit Court of Appeals.

C. Pending nominations

1. **AAG Nominees.** On Thursday, September 24 the nomination of Ignacia Moreno, AAG for the Environment and Natural Resources Division, was approved by the Senate Judiciary Committee. Her nomination is now pending on the Senate Executive Calendar, along with the nominations of the following AAGs: Dawn Johnsen (OLC), Thomas Perez (CRT), Mary Smith (TAX), and Christopher Schroeder (OLP). We anticipate the filing of a cloture petition on the Perez nomination as soon as the Senate completes action on the DoD appropriations bill, probably at the end of this week, which would mean a cloture vote early next week. A hearing on the nomination of Laurie Robinson, to be the AAG for the Office of Justice Programs, will be held on October 7.
2. **Judicial Nominees.** The nomination of Jeffrey Viken, to be a U.S. District Judge for the District of South Dakota, was confirmed by a vote of 99-0 on September 28.

The following judicial nominations are on the Senate Judiciary Committee's agenda for consideration on October 1: Joseph A. Greenaway, Third Circuit; Charlene Honeywell, Middle District of Florida; Irene Cornelia Berger, Southern District of West Virginia; and Roberto A. Lange, District of South Dakota. These nominees were held over at the Committee's business meeting last week.

3. **U.S. Attorney Nominees.** The following U.S. Attorney nominees were approved by the Senate Judiciary Committee on September 24 and are awaiting action by the full Senate: Paul Fishman, District of New Jersey; Jenny Durkan, Western District of Washington; Florence T. Nakakuni, District of Hawaii; and Deborah K. Gilg, District of Nebraska. The Committee has on its agenda for markup on October 1 the nominations of Timothy Heapy, to be U.S. Attorney for the Western District of Virginia, and David L. Cargill, to be U.S. Marshal for the District of New Hampshire.

D. Markups

1. **Heath Care Fraud.** On Tuesday, September 29 at 9:30 a.m. in Room 216 of the Hart Senate Office Building, the Senate Finance Committee will reconvene and continue the markup of the "America's Healthy Future Act of 2009." This will begin the second week of markup and many amendments are still pending. The Department continues to monitor actions taken at the markup, and it is anticipated that amendments related to the fraud, waste and abuse section of the bill could come up this week.
2. **USA Patriot Act.** On Thursday, October 1, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to take up S. 1693, the USA PATRIOT Act Sunset Extension Act of 2009.

E. Briefings

1. **Cybercrime training for foreign law enforcement.** On Tuesday, September 29 at 2:00 p.m. in Room 478 of the Russell Senate Office Building CCIPS will brief Senator Gillibrand's staff on DOJ's efforts to train foreign law enforcement on matters relating to cyber crime. Senator Gillibrand has introduced a bill, S. 1438, the "Fostering a Global Response to Cyber Attacks Act," which requires the Secretary of State to submit a report to Congress on improving cybersecurity.
2. **USA PATRIOT Act.** On Tuesday, September 29, representatives from DOJ (including the FBI) and the Office of the Director of National Intelligence, are meeting with staff of the Senate Judiciary Committee and the Senate Select Committee on Intelligence to discuss reauthorization of the PATRIOT Act. Senator Leahy has introduced a bill (S. 1692) that reauthorizes the three expiring provisions of the Act while adding a number of oversight measures. While the Administration has not finalized formal views on these additional provisions, we are conveying informal thoughts and concerns to the staffers in advance of the mark-up on Thursday.
3. **Financial Fraud.** On Wednesday, September 30 at 6:30 p.m., AAG/CRM Lanny Breuer will meet with Senator Kaufman regarding how DOJ has approached investigations and prosecutions related to the financial crisis, from mortgage fraud through securities fraud.

F. Floor Action

1. **Foreign Evidence.** On Wednesday, September 30, 2009, the House will consider for a vote the Foreign Evidence Request Efficiency Act (S. 1289) (H.R. 3133) on its suspension calendar. This bill amends the federal criminal code to allow any court of competent jurisdiction, as defined by the Act, to require the disclosure of stored wire or electronic communications for criminal investigations, including a request from a foreign authority for evidence (currently, only a court with jurisdiction over the offense under investigation may issue an order for disclosure). The proposed bill also authorizes a federal judge to issue orders to execute requests from foreign judicial or law enforcement authorities for assistance in the investigation or prosecution of criminal offenses. This bill also address in which district courts a request for foreign assistance may be filed. On July 10, 2009, the Senate passed the bill by unanimous consent. The administration supports the bill and the Department has engaged in extended negotiations over the bill.

G. Other Developments.

1. **National Defense Authorization Act.** Pre-conferencing (staff level) work is continuing to reconcile differences between the Senate- and House-passed versions of this bill, including the Matthew Shepard Hate Crimes Prevention Act, which was adopted as an amendment to the Defense bill in the Senate, as well as reforms to the military commissions process.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 6, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 9, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Human Rights.** On Tuesday, October 6 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Assistant Attorney General for the Criminal Division Lanny Breuer and FBI National Security Branch Executive Assistant Director Art Cummings II will testify before the Senate Judiciary Subcommittee on Human Rights and the Law at a hearing entitled "No Safe Haven: Accountability for Human Rights Violations, Part II." AAG Breuer will address the enforcement work of the Criminal Division and potential Criminal Division restructuring to better address human rights violations. EAD Cummings will discuss the FBI's efforts as they relate to human rights enforcement. Other witnesses at the hearing will be DHS Assistant Director John Morton and Deputy Assistant Secretary of State David T. Donahue.

B. Additional hearings of interest to the Department

1. **Recovery Act and Small Business.** On Tuesday, October 6, at 10:00 a.m. in Room 485 of the Russell Senate Office Building, the Senate Small Business and Entrepreneurship Committee will hold a hearing on the Recovery Act for small businesses, focusing on what is

working and what comes next. Representatives of the Small Business Administration and other federal departments and agencies will testify.

2. **Workplace Discrimination and the Supreme Court.** On Wednesday, October 7 at 10:00 a.m. in Room 226 Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled, “Workplace Discrimination: Has the Supreme Court Been Misinterpreting Laws Designed to Protect American Workers from Discrimination?” The hearing will focus on *Circuit City v. Adams*, which extended the scope of the Federal Arbitration Act to employment contracts, and *Gross v. FBL Financial Services, Inc.*, which changed the standard for proving age discrimination in the workplace. No Administration witness is scheduled to appear.
3. **Health Insurance Antitrust.** On Thursday, October 8 at 11:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee’s Subcommittee on the Courts and Competition will hold a hearing titled “The Health Insurance Industry Antitrust Enforcement Act of 2009.”

C. Pending nominations

1. **AAG Nominees.** On Tuesday, October 6, the Senate voted to confirm Thomas Perez as AAG for the Civil Rights Division by a vote of 72-22. The following AAG nominees are pending on the Senate's Executive Calendar awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), Christopher Schroeder (OLP), and Ignacia Moreno (ENRD). The Senate Judiciary Committee will hold a hearing on the nomination of Laurie Robinson, to be AAG for the Office of Justice Programs, on Wednesday, October 7 at 4:00 p.m. in Room 226 of the Dirksen Senate Office Building.
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: David Hamilton, Seventh Circuit; Andre Davis, Fourth Circuit; Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Charlene Honeywell, MD FL; Roberto Lange, D SD; Irene Berger, SD WV. The Committee will hold a hearing on the nomination of Barbara Keenan for the Fourth Circuit on Wednesday, October 7 at 4:00 p.m. in Room 226 of the Dirksen Senate Office Building. The following judicial nominees are on the agenda for the Committee’s business session on Thursday, October 8 at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building: Jacqueline Nguyen, CD CA; Edward Chen, ND CA; Dolly Gee, CD CA; Richard Seeburg, ND CA.
3. **U.S. Attorney Nominees.** The following U.S. Attorney nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Paul Fishman, D NJ; Timothy Heaphy, WD VA. The following U.S. Attorney nominees are on the Judiciary Committee's agenda for its business session on Thursday, October 8 at 9:30 a.m.: Brendan Johnson, D SD; Karen Loeffler, D AK.

4. **Other DOJ Nominees.** The following nominee for U.S. Marshal has been reported by the Senate Judiciary Committee and awaits action by the full Senate: David Cargill, D NH. The following nominee for U.S. Marshal is on the agenda for the Judiciary Committee's business meeting on October 8: Steven O'Donnell, D RI.

D. Markups

1. **USA PATRIOT Act Reauthorization.** On Thursday, October 8, at 9:30 a.m., in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will resume its markup of S. 1692, the USA PATRIOT Act Sunset Extension Act. The Department has played a leading role in White House-led interagency negotiations with the Committee to address administration priorities and concerns. There is a high likelihood that the Committee will report out the bill once the markup is concluded. Other scheduled business includes further work on S. 448, the Free Flow of Information act, popularly known as the "media shield" bill, but the committee is not expected to resume consideration of the bill at this markup.

E. Briefings

1. **USA PATRIOT Act Business Records Authority.** On Wednesday, October 7, at 12:00 noon, in [LOCATION TBA], Assistant Attorney General David Kris will participate in an interagency briefing for Members of the Senate Judiciary Committee on classified uses of Section 215 of the USA PATRIOT Act.
2. **Plane Shot Down in 2001.** On Wednesday, October 7, at 10:00 a.m., in Room 304 of the House Visitor's Center, Department representatives will brief Members of the House Permanent Select Committee on Intelligence Oversight Subcommittee regarding the Department's investigation and declination decision in a particular law enforcement matter involving the death of Michigan constituents of Ranking Minority Member Hoekstra.
3. **Stimulus Fraud DOJ & FTC Joint Briefing.** On Wednesday, October 7 at 11:30 a.m. CRM (Gary Grindler and Jon Rusch) and FTC representatives will brief the Senate Homeland Security and Governmental Affairs Committee on matters relating to stimulus fraud. The Committee held a hearing on September 10 and now the staff is requesting a joint briefing with DOJ and FTC on the issue - specifically, how it is determined what is civilly prosecuted by the FTC and what is criminally prosecuted by DOJ.

F. Floor Action

1. **National Defense Authorization Act.** The House is expected to vote this week on the conference report on the Defense authorization bill, which includes the Matthew Shepard Hate Crimes Prevention Act as well as reforms to the military commissions process. The

Senate is expected to take up the conference report very quickly after House passage, possibly also by the end of this week.

G. Other Developments.

1. **Deferred Prosecution and Non-Prosecution Agreements.** On Wednesday, October 7, at 2:30 p.m. Department representatives will meet with GAO to discuss GAO's report concerning the Department's use of deferred prosecution and non-prosecution agreements, and the use of corporate monitors.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 13, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 16, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Health Insurance and Antitrust.** On Wednesday, October 14 at 10:00 a.m. in Room 226 of the Senate Dirksen Office Building, Assistant Attorney General for Antitrust Christine Varney will testify before the Senate Judiciary Committee at a hearing entitled, "Prohibiting Price Fixing and Other Anticompetitive Conduct in the Health Insurance Industry." A focus of the hearing is S. 1681, a bill to ensure that health insurance issuers cannot engage in price fixing, bid rigging or market allocations to the detriment of competition and consumers. Other witnesses are J. Robert Hunter, insurance director, Consumer Federation of America and Lawrence S. Powell, associate professor of insurance and financial services, College of Business, University of Arkansas at Little Rock.

B. Additional hearings of interest to the Department

1. **Domestic Partner Benefits.** On Thursday, October 15 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing entitled: "Domestic Partner Benefits: Fair Policy and Good

Business for the Federal Government.” The focus of the hearing is S. 1102, a bill to provide federal benefits to the same-sex partners of federal employees. John Berry, Director of OPM, will testify on behalf of the administration.

C. Pending nominations

1. **AAG Nominees.** On Tuesday, October 6, the Senate voted to confirm Thomas Perez as AAG for the Civil Rights Division by a vote of 72-22. The following AAG nominees are pending on the Senate's Executive Calendar awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), Christopher Schroeder (OLP), and Ignacia Moreno (ENRD). The Senate Judiciary Committee held a hearing on the nomination of Laurie Robinson, to be AAG for the Office of Justice Programs, on Wednesday, October 7. We anticipate that she will receive written questions for the record this week.
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: David Hamilton, Seventh Circuit; Andre Davis, Fourth Circuit; Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Charlene Honeywell, MD FL; Roberto Lange, D SD; Irene Berger, SD WV. The Committee held a hearing on the nomination of Barbara Keenan for the Fourth Circuit on Wednesday, October 7. The following judicial nominees are on the agenda for the Committee's business session on Thursday, October 15, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building: Jacqueline Nguyen, CD CA; Edward Chen, ND CA; Dolly Gee, CD CA; Richard Seeburg, ND CA. All were held over at the business session on October 8th.
3. **U.S. Attorney Nominees.** The following U.S. Attorney nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Timothy Heaphy, WD VA, Brendan Johnson, D SD; Karen Loeffler, D AK.
4. **Other DOJ Nominees.** The following nominees for U.S. Marshal have been reported by the Senate Judiciary Committee and await action by the full Senate: David Cargill, D NH, and Steven O'Donnell, D RI.

D. Markups

1. **Performance Rights Act.** On Thursday, October 15, at 10:00 a.m., in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will markup S.379, the Performance Rights Act. The purpose of the bill is to provide fair compensation to artists for use of their sound recordings. The companion bill, H.R. 848, was reported by the House Judiciary Committee on May 13, 2009.

E. Floor Action

1. **National Defense Authorization Act.** Last week, the House approved the conference report on the Defense authorization bill, which includes the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act as well as reforms to the Military Commissions Act. The Senate is expected to take up the conference report soon, possibly by the end of this week.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 20, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 23, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **USA PATRIOT Act.** On Wednesday, October 21 at 2:00 p.m. in room 304 of the House Visitor's Center, Assistant Attorney General for National Security David Kris will testify in a closed hearing before the House Permanent Select Committee on Intelligence regarding the reauthorization of expiring provisions of the 2001 USA PATRIOT Act. Other witnesses will include Michael Leiter, Director of the National Counterterrorism Center, and Rob Joyce of the National Security Agency.

B. Additional hearings of interest to the Department

1. **Election Registration.** On Wednesday, October 21 at 1:00 p.m. in Room 1310 of the Longworth House Office Building, the House Administration Subcommittee on Elections will hold a hearing entitled "Modernizing the Election Registration Process." The witnesses are Todd Rokita, Indiana Secretary of State; Elaine Manlove, Commissioner of Elections for the State of Delaware; Katie Blinn, Assistant Director of Elections for the State of Washington; and Doug Chapin, Director of Election Initiatives, Pew Center on the States.

C. Pending nominations

1. **AAG Nominees.** The following AAG nominees are pending on the Senate's Executive Calendar awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), Christopher Schroeder (OLP), and Ignacia Moreno (ENRD). The Senate Judiciary Committee held a hearing on the nomination of Laurie Robinson, to be AAG for the Office of Justice Programs, on Wednesday, October 7. Her nomination is on the agenda for the Senate Judiciary Committee business session on October 22.
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: David Hamilton, Seventh Circuit; Andre Davis, Fourth Circuit; Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Charlene Honeywell, MD FL; Roberto Lange, D SD; Irene Berger, SD WV; Jacqueline Nguyen, CD CA; Edward Chen, ND CA; Dolly Gee, CD CA; and Richard Seeborg, ND CA. The Committee held a hearing on the nomination of Barbara Keenan for the Fourth Circuit on Wednesday, October 7. Her nomination is on the agenda for the Senate Judiciary Committee business session on October 22. The Senate Judiciary Committee also has scheduled a nominations hearing for October 21. The only judicial nominee on the hearing is Jane Branstetter Stranch, Sixth Circuit.
3. **U.S. Attorney Nominees.** Last week the Senate confirmed the following U.S. Attorneys: Timothy Heaphy, WD VA; Brendan Johnson, D SD; Karen Loeffler, D AK.
4. **Other DOJ Nominees.** On October 14, the Senate confirmed David Cargill to be U.S. Marshal for the District of New Hampshire; and on October 15 it confirmed Steven O'Donnell to be U.S. Marshal for the District of Rhode Island.

D. Markups

1. **Native Hawaiian Government Reorganization.** The Senate Indian Affairs Committee is expected to mark up S.1011, the Native Hawaiian Government Reorganization Act of 2009, as early as October 22. The purpose of the bill is to provide federal recognition for the Native Hawaiians. Sam Hirsch, Deputy Associate Attorney General, testified before the Committee on August 6, 2009.
2. **Health Insurance Antitrust.** On Wednesday, October 21, at 10:15 a.m., in Room 2138 of the Rayburn House Office Building, the House Judiciary Committee will mark up H.R. 3596, the Health Insurance Antitrust Act of 2009, which would repeal the McCarran-Ferguson antitrust exemption for certain conduct in connection with health insurance or medical malpractice insurance coverage. This legislation is identical to S. 1681, which was the subject of a hearing on October 14 in the Senate Judiciary Committee at which AAG for Antitrust Christine Varney testified.

E. Briefings

1. **State Secrets.** On Friday, October 23, 2009, the Department will meet with House and Senate Judiciary Committee staff to discuss the Department's newly-released policy concerning the assertion of the state secrets privilege and pending legislation. The Department also will provide a briefing on the new policy for the House Permanent Select Committee on Intelligence on Monday, October 26, 2009 at 2:00 P.M. The principal briefer will be Associate Deputy Attorney General Donald Verrilli.

F. Floor Action

1. **National Defense Authorization Act.** The House has approved the conference report on the Defense authorization bill, which includes the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act as well as reforms to the Military Commissions Act. The Senate is expected to take up the conference report soon, possibly tomorrow.
2. **Department of Homeland Security Appropriations Act.** The Senate approved the conference report on the DHS Appropriations bill today by a vote of 79 - 19. The bill prohibits the use of all appropriated funds to transfer detainees into the United States for detention *except* for purposes of prosecution or detention during legal proceedings. By a vote of 193-224, the House rejected a motion to recommit with instructions which would have barred transfers *even for purposes of prosecution*.
3. **Commerce, Justice, Science Appropriations Act.** The Senate may take up the CJS Appropriations bill, which funds DOJ programs and operations. Among the many provisions we are monitoring is a possible amendment by Sen. Lindsey Graham which would prohibit the use of funds for the prosecution in federal court of individuals suspected of planning, authorizing, organizing, committing, or aiding the attacks on the United States on September 11, 2001.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 27, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 30, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Health Care Fraud.** On Wednesday, October 28 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Assistant Attorney General for Civil Tony West will testify before the Senate Judiciary Committee at a hearing entitled, "Effective Strategies for Preventing Health Care Fraud." AAG West will describe our HEAT efforts with the Department of Health and Human Services and the work we are doing with the Strike Forces. HHS Deputy Secretary Bill Corr will also be testifying.
2. **USA PATRIOT Act.** On Thursday, October 29 at 2:30 p.m. in Room 301 of the House Visitor's Center, the House Judiciary Committee will hold a closed classified hearing on the USA PATRIOT Act and related matters. Witnesses will be Assistant Attorney General for National Security David Kris and Michael Leiter, Director of the National Counterterrorism Center (NCTC).

B. Additional hearings of interest to the Department

1. **Congressional Notifications.** On Tuesday, October 27 at 10:00 a.m. in Room 304 of the House Visitor's Center ODNI General Counsel Robert Litt will testify before the House Permanent Select Committee on Intelligence Subcommittee on Oversight and Investigations about congressional notifications of intelligence activities.
2. **Ashcroft v. Iqbal.** On Tuesday, September 27 at 2:30 p.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Committee Subcommittee on the Constitution, Civil Rights and Civil Liberties will hold a hearing entitled, "Access to Justice Denied: Ashcroft v. Iqbal." This recent Supreme Court decision raised the pleading standard for plaintiffs filing civil lawsuits. Legislation to reverse the decision has been introduced by Senator Specter.
3. **Racial Disparities and Criminal Justice.** On Thursday, October 29 at 9:30 am in Room 2141 of the Rayburn House Office Building the Crime, Terrorism and Homeland Security Subcommittee of the House Judiciary Committee will hold a hearing entitled "Racial Disparities in the Criminal Justice System." The hearing will focus on legislation introduced by Congressman Steve Cohen, H.R. 1412, the Justice Integrity Act of 2009. This is the legislation that the ABA helped Senator Biden draft while he was still in the Senate. (Sen. Cardin has introduced the Senate companion bill, S. 495.) Representative Cohen will testify, and the Department has been invited. However, the Department declined to testify as it does not yet have cleared views on the legislation.
4. **Federal Cyber Defense.** On Thursday, October 29 at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building the Senate Homeland Security and Governmental Affairs Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security will hold a hearing titled "More Security, Less Waste: What Makes Sense for our Federal Cyber Defense." Witnesses will include Former Representative Tom Davis of Virginia; Vivek Kundra, Chief Information Officer and Administrator, Electronic Government and Information Technology at OMB; Gregory Wilshusen, Director of Information Technology Security Issues at GAO; and John Steufert, Chief Information Security Officer, Bureau of Information Resource Management at the State Department.

C. Pending nominations

1. **AAG Nominees.** The following AAG nominees are pending on the Senate's Executive Calendar awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), Christopher Schroeder (OLP), Ignacia Moreno (ENRD), and Laurie Robinson (OJP).
2. **Judicial Nominees.** On October 21, the Senate confirmed the nomination of Roberto A. Lange (SD) by a vote of 100-0. The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: David Hamilton, Seventh Circuit; Andre Davis, Fourth Circuit; Beverly

Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Charlene Honeywell, MD FL; Irene Berger, SD WV; Jacqueline Nguyen, CD CA; Edward Chen, ND CA; Dolly Gee, CD CA; and Richard Seeborg, ND CA. There is a time agreement to take up the nomination of Irene Berger on October 27. The nomination of Barbara Keenan, Fourth Circuit, is on the agenda for the Senate Judiciary Committee business session on October 29; her nomination was held over on October 22. We anticipate receiving questions for the record this week for Jane Branstetter Stranch, Sixth Circuit, whose confirmation hearing was October 21.

3. **U.S. Attorney Nominees.** Last week the Senate Judiciary Committee approved the nomination of Ben Wagner, ED CA. The nominations of Carmen M. Ortiz (MA) and Edward Tarver (SD GA) are on the Senate Judiciary Committee business meeting agenda for October 29. Both Iowa U.S. Attorney nominees, Nicholas Klinefeldt and Stephanie Rose, have courtesy visits with Senator Grassley this week.
4. **Other Nominees.** The Senate confirmed the nomination of William Sessions to be Chair of the U.S. Sentencing Commission on October 21. The nomination of Ketanji Jackson, to be a Member of the U.S. Sentencing Commission, is on the Senate Judiciary Committee business meeting agenda for October 29.

D. Markups

1. **Media Shield.** The Senate Judiciary Committee will continue debate on S. 448, popularly known as the “media shield” bill. The Department, the White House, and other agencies have been engaged in extended negotiations over the bill and we have significant concerns with the current language which we are working to address. An amendment in the nature of a substitute was adopted as the base text by voice vote. The substitute will be taken up on Thursday, October 29 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.
2. **Webb Commission.** The Committee also may mark up S. 714, the National Criminal Justice Commission Act, introduced by Sen. Webb, which would mandate a comprehensive, independent review of federal criminal justice policies. While the Department does not have cleared views on the bill, it has been working with the White House to help shape the legislation as it moves through the legislative process.

E. Briefings

1. **State Secrets.** On Monday, October 26, 2009 at 2:00 P.M., Associate Deputy Attorney General Donald Verrilli briefed House Permanent Select Committee on Intelligence staff on the Department's newly-released policy concerning the assertion of the state secrets privilege and pending legislation.
2. **Immigration.** On Thursday, October 29, 2009, officials from the Department, Department of Homeland Security, and the White House Office of Legislative Affairs will meet with Senate staff to discuss Senator Menendez’s and other Senators’ immigration principles and

priorities. This briefing is a “listening session” in which Senate staff will outline several Senators’ views and ideas on upcoming immigration reform. Juan Osuna, Deputy Assistant Attorney General of the Civil Division, will be representing the Department.

F. Floor Action

1. **Commerce, Justice, Science Appropriations Act.** The Senate may take up the CJS Appropriations bill, which funds DOJ programs and operations. Among the many provisions we are monitoring is a possible amendment by Sen. Lindsey Graham which would prohibit the use of funds for the prosecution in federal court of individuals suspected of planning, authorizing, organizing, committing, or aiding the attacks on the United States on September 11, 2001.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 3, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 6, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Employment Non-Discrimination Act (ENDA).** On Thursday, November 5 at 10:00 a.m. in Room 430 of the Dirksen Senate Office Building, Assistant Attorney General for Civil Rights Tom Perez will testify before the Senate Health, Education, Labor and Pensions Committee at a hearing entitled, "The Employment Non-Discrimination Act: Ensuring Opportunity for All Americans." He will testify on behalf of the Administration in support of legislation to prohibit workplace discrimination on the basis of sexual orientation or gender identity. Other witnesses will be Helen Norton, a law professor at the University of Colorado; Lisa Madigan, the Attorney General of Illinois; Virginia Nguyen of Nike, Inc., who will endorse ENDA legislation; Craig Parshall, an officer of the National Religious Broadcast Association; and Camille Olson, a partner with Seyfarth Shaw, LLP.
2. **Organized Retail Crime.** On Thursday, November 5 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, FBI Criminal Investigative Division Section Chief David Johnson will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security at a hearing entitled, "Combating Organized Retail Crime -- The Role of Federal Law Enforcement." The other witnesses include: John Large, Special Agent in

Charge of the Criminal Investigations Division, Secret Service; Zane Hill, Deputy Chief Postal Inspector, USPS; Janice Ayala, Deputy Assistant Director, ICE.

3. **Shell Corporations.** On Thursday, November 5 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, Jennifer Shasky, Senior Counsel to the Deputy Attorney General, will testify before the Senate Committee on Homeland Security and Governmental Affairs at a hearing entitled, “Business Formation and Financial Crime: Finding a Legislative Solution.” The purpose of the hearing is to examine the possible impact of S. 569, the Incorporation Transparency and Law Enforcement Assistance Act, from the perspective of multiple stakeholders, including leading U.S. anti-money laundering authorities and experts, corporate formation agents, and privately held companies. Other witnesses include: David S. Cohen, Treasury Department Assistant Secretary; Jack Blum, Tax Justice Network and Global Financial Integrity; David Kellogg, President and CEO of Solers, Inc.; and Kevin Shepherd, Partner, Venable LLP, on behalf of the American Bar Association.

B. Pending nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees are pending on the Senate's Executive Calendar, awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), Christopher Schroeder (OLP), Ignacia Moreno (ENRD), and Laurie Robinson (OJP). We expect the Majority Leader to file a cloture petition on the Schroeder nomination this week.
2. **Judicial Nominees.** The Senate Judiciary Committee has scheduled a hearing on November 4 on the following judicial nominees: Thomas Vanaskie, Third Circuit; Abdul Kallon, ND AL; Louis Butler, Jr., WD WI; and Christina Reiss, D VT. The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: David Hamilton, Seventh Circuit; Andre Davis, Fourth Circuit; Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Charlene Honeywell, MD FL; Jacqueline Nguyen, CD CA; Edward Chen, ND CA; Dolly Gee, CD CA; and Richard Seeborg, ND CA. We expect the Majority Leader to file a cloture petition on the Hamilton nomination this week. The nomination of Jane Stranch, Sixth Circuit, will be on the Senate Judiciary Committee's business meeting agenda on November 5. Irene Berger, SD WV, was confirmed on October 27.
3. **U.S. Attorney Nominees.** The following U.S. Attorney nominees are pending on the Senate Executive Calendar: Ben Wagner, ED CA; Carmen M. Ortiz, MA; and Edward Tarver, SD GA. The following U.S. Attorney nominees are on the agenda for the Senate Judiciary Committee's business meeting on November 5: Kenyen Brown, SD AL; Stephanie Rose, ND IA; and Nicholas Klinefeldt, SD IA.
4. **Other Nominees.** The nomination of Ketanji Jackson, to be a Member of the U.S. Sentencing Commission, is on the agenda for the Senate Judiciary Committee business meeting on November 5; her nomination was held over on October 29.

C. Markups

1. **USA PATRIOT Act.** On Wednesday, November 4 at 12:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up H.R. 3845, the USA PATRIOT Amendments Act, introduced by Chairman Conyers. The bill would reauthorize for an additional four years two of the three expiring authorities of the USA PATRIOT Act and would make various changes to the standards and procedures governing their use. It also would provide a new four-year sunset for National Security Letters and make various amendments to the provisions governing their use. A competing bill has been introduced by HPSCI Chairman Reyes which closely resembles the Leahy-Feinstein bill (S. 1692) reported by the Senate Judiciary Committee and awaiting action by the full Senate. A departmental views letter on the Senate bill is awaiting OMB clearance.
2. **State Secrets Protection Act.** The House Judiciary Committee may also mark up H.R. 984, a bill introduced by Rep. Nadler to establish statutory procedures to govern assertions of the state secrets privilege. While the Department does not have a formal position on the bill, some of its provisions would codify portions of the Attorney General's September 23 memorandum on *Policies and Procedures Governing the Invocation of the State Secrets Privilege*.
3. **Media Shield.** On Thursday, November 5 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will likely resume consideration of S. 448, the Free Flow of Information Act, popularly known as the "media shield" bill. After extended negotiations the administration has reached agreement with the committee on language that substantially addresses the Department's concerns.
4. **Data Security.** The Senate Judiciary Committee also will mark up two bills relating to data privacy: S. 139, the Data Breach Notification Act, introduced by Sen. Feinstein, and S. 1490, the Personal Data Privacy and Security Act of 2009, introduced by Sens. Leahy, Specter, Feingold, Schumer, and Cardin. The purpose of both bills is to prevent identity theft, ensure privacy, and provide enhanced penalties for security breaches, fraudulent access, and misuse of personally identifiable information. The Department has concerns with the bills, and we are scheduled to meet with Sen. Leahy's staff next week once our talking points have cleared OMB.
5. **Human Rights.** The Senate Judiciary Committee is also likely to mark up S. 1472, the "Human Rights Enforcement Act of 2009," introduced by Senators Durbin and Coburn. The bill would establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes. There is no House companion for S. 1472. The Department is working closely with Sen. Durbin's staff to address administration concerns with the legislation. In addition, Asst. Attorney General Lanny Breuer testified in October on accountability for human rights violations before Sen. Durbin's Judiciary Subcommittee on Human Rights and the Law.

D. Briefings

1. **Plane Shot Down in 2001.** On Thursday, November 5 at 10:30 a.m. in Room 304 of the House Visitors Center, a Department representative will brief Members of the House Permanent Select Committee on Intelligence Oversight Subcommittee regarding the Department's investigation and declination decision in a particular law enforcement matter involving the death of Michigan constituents of Ranking Minority Member Hoekstra.
2. **Amerithrax.** This week, the Department and the FBI plan to brief victims and notify relevant congressional committees regarding the closure of the Amerithrax investigation, a comprehensive investigation into the 2001 anthrax attacks which killed five individuals and sickened 17 others.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 10, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 13, 2009

The following is a summary of our current activities:

Note: The House is in recess all week and the Senate is in recess from Wednesday, November 11 to Friday, November 13.

A. Hearings of interest to the Department

1. **Innocence Protection Act.** On Tuesday, November 10, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled "Strengthening Our Criminal Justice System: Extending the Innocence Protection Act." The Department does not have any witness testifying. Witnesses that will testify include: Patricia Lykos, district attorney, Harris County, Houston; Andre de Gruy, director, Mississippi Office of Capital Defense Counsel, Jackson, Mississippi; Keith Findley, co-director, Wisconsin Innocence Project (and professor of law, University of Wisconsin).

B. Pending nominations

1. **AAG Nominees.** Both Ignacia Moreno, AAG for the Environment and Natural Resources Division, and Laurie Robinson, AAG for the Office of Justice Programs, were confirmed by the Senate on November 5. The following Assistant Attorney General nominees remain

pending on the Senate's Executive Calendar, awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP). We anticipate a hearing on the nominations of Susan Carbon (OVW) and John Laub (NIJ) on November 18.

2. **Judicial Nominees.** The nomination of Andre Davis, Fourth Circuit, was confirmed by a vote of 72-16 on November 9. The nomination of Charlene Honeywell, MD FL, was also confirmed on November 9 by a vote of 88-0. The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: David Hamilton, Seventh Circuit; Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jacqueline Nguyen, CD CA; Edward Chen, ND CA; Dolly Gee, CD CA; and Richard Seeborg, ND CA. We anticipate a hearing on the nominations of Denny Chin, Second Circuit; Rosanna M. Peterson, ED WA; and William Conley, WD WI, on November 18. The nomination of Jane Stranch, Sixth Circuit, was held over at the Senate Judiciary Committee business meeting on November 5; we anticipate that her nomination will be reported out of Committee on November 19.
3. **U.S. Attorney Nominees.** The following U.S. Attorney nominees were confirmed on November 5: Ben Wagner, ED CA; Carmen M. Ortiz, MA; and Edward Tarver, SD GA. The nominations of Kenyen Brown, SD AL; Stephanie Rose, ND IA; and Nicholas Klinefeldt, SD IA, are pending on the Senate Executive Calendar.
4. **Other Nominees.** The nomination of Ketanji Jackson, to be a Member of the U.S. Sentencing Commission, was reported by the Senate Judiciary Committee on November 5.

C. **Briefing**

1. **State Secrets.** On Thursday, November 12, 2009 at 11:00 A.M., Associate Deputy Attorney General Donald Verrilli will conduct a follow-up briefing with House and Senate Judiciary Committees regarding the Department's newly-released policy concerning the assertion of the state secrets privilege and Congressman Nadler's state secrets bill (HR 984).



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 17, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 20, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Cybersecurity.** On Tuesday, November 17, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Associate Deputy Attorney General Jim Baker will testify before the Senate Judiciary Subcommittee on Terrorism and Homeland Security at a hearing entitled, "Cybersecurity: Preventing Terrorist Attacks and Protecting Privacy in Cyberspace." Other witnesses on the government panel: Philip Reitingger, Deputy Under Secretary, National Protection and Programs Directorate Director, National Cyber Security Center, U.S. Department of Homeland Security; Richard Schaeffer, Director, Information Assurance Directorate, National Security Agency, U.S. Department of Defense; and Steven R. Chabinsky, Deputy Assistant Director, Cyber Division, Federal Bureau of Investigation. The private sector witnesses: Gregory T. Nojeim, Senior Counsel and Director, Project on Freedom, Security & Technology, Center for Democracy and Technology; Larry Clinton, President, Internet Security Alliance; and Larry M. Wortzel, Ph.D., Vice Chairman, U.S.-China Economic and Security Review Commission.
2. **DOJ Oversight.** On Wednesday, November 18, at 9:30 in Room G-50 of the Dirksen Senate Office Building, Attorney General Eric Holder will testify before the Senate Judiciary Committee at a Hearing entitled, "Oversight of the U.S. Department of Justice."

3. **Accountability for Foreign Contractors.** On Wednesday, November 18, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, Assistant Attorney General Tony West will testify before the Senate Homeland Security and Governmental Affairs' subcommittee on Contracting Oversight at a hearing entitled, "Accountability for Foreign Contractors: The Lieutenant Colonel Dominic 'Rocky' Baragona Justice for American Heroes Harmed by Contractors Act." Other Administration witnesses are Ulric Fiore, Director, Soldier and Family Legal Services, Office of the Judge Advocate General, US Army; and Richard Ginman, Deputy Director for Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense. Ralph Steinhardt, Professor of Law at George Washington School of Law, and Scott Horton, Lecturer-in-Law at Columbia Law School, will also testify.

B. Hearings of interest to the Department

1. **Gangs and Drugs in Indian Country.** On Thursday, November 19, the Senate Committee on Indian Affairs will hold an oversight hearing immediately following the 2:15 pm business meeting in Room 628 of the Dirksen Senate Office Building to examine drug smuggling and gang activity in Indian country. The Department will be submitting a written statement for the record following the hearing. Additional participation by the Department of Interior and White House Office of National Drug Control Policy is anticipated, as well as the following tribal witnesses: Eastern Shoshone Chairman (WY), Gila River Director of Juvenile Justice Program (AZ), and Colville Police Chief (WA).

C. Pending nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees remain pending on the Senate's Executive Calendar, awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP).
2. **Judicial Nominees.** The Senate has scheduled a cloture vote on the nomination of David Hamilton, Seventh Circuit, for November 17. The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jacqueline Nguyen, CD CA; Edward Chen, ND CA; Dolly Gee, CD CA; and Richard Seeborg, ND CA. The Senate Judiciary Committee has scheduled a hearing on the following nominations on November 18 at 2:30 p.m.: Denny Chin, Second Circuit; Rosanna M. Peterson, ED WA; and William Conley, WD WI. The nomination of Jane Strach, Sixth Circuit, was held over at the Senate Judiciary Committee business meeting on November 5; we anticipate that her nomination will be reported out of Committee on November 19. The following nominations are also on the business meeting agenda for November 19: Thomas Vanaskie, Third Circuit; Abdul Kallon, ND AL; Louis B. Butler, Jr., WD WI; and Christina Reiss, VT.
3. **U.S. Attorney Nominees.** The nominations of Kenyen Brown, SD AL; Stephanie Rose, ND IA; and Nicholas Klinefeldt, SD IA, are pending on the Senate Executive Calendar.

4. **Other Nominees.** The Senate Judiciary Committee has scheduled a hearing on the nominations of Susan Carbon (OVW) and John Laub (NIJ) on November 18. The nomination of Ketanji Jackson, to be a Member of the U.S. Sentencing Commission, was reported by the Senate Judiciary Committee on November 5.

D. Markup

1. **Media Shield.** On Thursday, November 19 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will likely resume consideration of S. 448, the Free Flow of Information Act, popularly known as the “media shield” bill. After extended negotiations the administration has reached agreement with the committee on language that substantially addresses the Department’s concerns.
2. **National Criminal Justice Commission.** The Committee may also mark up S. 714, a bill to establish the National Criminal Justice Commission , introduced by Senator Webb. The White House is working with Senator Webb's staff informally and this bill is unlikely to be marked up this week.
3. **Juvenile Justice and Delinquency Prevention.** The Committee may mark up S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974. This bill will likely be held another week; we are currently clearing comments.

E. Briefings

1. **State Secrets.** On Thursday, November 12, at 11:00 a.m., Associate Deputy Attorney General for National Security Donald Verrilli will conduct a follow-up briefing with House and Senate Judiciary Committees regarding the Department's newly-released policy concerning the assertion of the state secrets privilege and Congressman Nadler's state secrets bill (HR 984).
2. **National Security Oversight.** The National Security Agency (NSA) and the Department will brief House Intelligence and Judiciary Committee staff at a time to be determined this week about the discovery of a recent compliance issue as it relates to FISA. It is anticipated that NSA and DOJ will provide a similar briefing to Senate Intelligence and Judiciary Committee staff.
3. **Native Hawaiians.** The Department, along with representatives from the White House and Department of Interior, will meet later this week with members of the Hawaii delegation to discuss an interagency redline of H.R. 2314, Native Hawaiian Government Reorganization Act of 2009 (the exact date and time of the meeting is still TBD). This bill addresses the United States’ relationship with Native Hawaiians and the process by which the United States would recognize the Native Hawaiian governing entity. This is the latest in a series of Administration-Hill meetings attempting to achieve consensus on the bill’s language prior to

mark-up, expected to be on the December 3 business agenda of the Senate Committee on Indian Affairs.

4. **Guantanamo photos.** ODNI, CIA, DOD and FBI are scheduled to brief House Permanent Select Committee on Intelligence Members on Wednesday, November 18, at 4:00 p.m. concerning the investigation surrounding photos found at the Guantanamo Bay detention facility.

F. Floor Action

1. **Commerce-Justice-Science Appropriations bill.** The House is tentatively scheduled to consider the final (conferenced) Commerce-Justice-Science appropriations bill later this week.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 1, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 4, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Civil Rights Division.** On Thursday, December 3, at 10:00 a.m in Room 2141 of the Rayburn House Office Building, AAG Tom Perez will testify before the Subcommittee on the Constitution, Civil Rights and Civil Liberties of the House Judiciary Committee at a hearing on the Civil Rights Division, focusing on two GAO Reports relating to the Division. There will be a second panel of witnesses which will include the author of the GAO Reports; former AAG Grace Chung Becker; and former Division Attorney Joseph Rich.
2. **National Security Leaks.** On Thursday, December 3 at 2:30 p.m. in Room S-407 of the Capitol, the Attorney General will testify in a closed hearing before the Senate Select Committee on Intelligence regarding national security leaks. Also testifying will be Director of National Intelligence Blair and either FBI Director Mueller or Deputy Director Pistole.

B. Hearings of interest to the Department

1. **Internet Gambling.** On Thursday, December 3 at 10:00 a.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Committee will hold a hearing on legislation related to internet gambling.

C. Pending nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees remain pending on the Senate's Executive Calendar, awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP).
2. **Judicial Nominees.** On December 1, the Senate confirmed the nomination of Jacqueline Nguyen, CD CA, by a vote of 97-0. Additionally, the nominations of Christina Reiss, D VT, and Abdul Kallon, ND AL, were confirmed by the Senate by voice vote on November 21. The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jane Stranch, Sixth Circuit; Edward Chen, ND CA; Dolly Gee, CD CA; and Richard Seeborg, ND CA. The Senate Judiciary Committee held a hearing on the nomination of Rogeriee Thompson, First Circuit, on December 1 at 10:00 a.m. The following nominations will be on the Senate Judiciary Committee business meeting for December 3: Denny Chin, Second Circuit; Rosanna M. Peterson, ED WA; and William Conley, WD WI. Thomas Vanaskie, Third Circuit, and Louis B. Butler, Jr., WD WI, who were held over at the last business meeting, will also be on the agenda.
3. **U.S. Attorney Nominees.** The following nominees were confirmed on November 21: Kenyen Brown, SD AL; Stephanie Rose, ND IA; and Nicholas Klinefeldt, SD IA. The following nominees are on the agenda of the Senate Judiciary Committee business meeting scheduled for December 3: Sanford C. Coates, WD OK, and Mary Elizabeth Phillips, WD MO.
4. **Other Nominees.** The following nominees will be on the Senate Judiciary Committee business meeting agenda for December 3: Susan Carbon, OVW; John Laub, NIJ; Stephen J. Smith, USM for SD GA; and Sharon J. Lubinski, USM for MN. The nomination of Ketanji Jackson to the U.S. Sentencing Commission was reported by the Senate Judiciary Committee on November 5 and awaits action by the full Senate.

D. Markup

1. **Youth PROMISE Act.** On Wednesday, December 2 at 10:15 in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up H.R. 1064, the Youth PROMISE Act. The bill, introduced by Crime Subcommittee Chairman Bobby Scott (D-VA), seeks to promote promising, evidence-based prevention and intervention programs

aimed at juvenile delinquency and criminal gang activity. The Department has provided technical assistance to the authors of the bill, and the Judiciary Committee plans to incorporate DOJ's suggestions with respect to those portions of the bill that come within the Committee's jurisdiction. (The bill also has been referred to the Education and Labor Committee, which has not yet scheduled it for markup.)

2. **Media Shield; Criminal Justice Legislation.** On Thursday, December 3 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will resume consideration of S. 448, the Free Flow of Information Act, popularly known as the “media shield” bill. After extended negotiations the administration has reached agreement with the committee on language that substantially addresses the Department’s concerns. Also scheduled for markup are S. 714, to establish a National Criminal Justice Commission; S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless; and S. 678, to reauthorize the Juvenile Justice and Delinquency Prevention Act.
3. **Native Hawaiians.** The Department, along with representatives from the White House and Department of Interior (DOI), met last week with Hawaii delegation staff to discuss the delegation's reaction to an interagency redline of H.R. 2314, Native Hawaiian Government Reorganization Act of 2009. This week, DOJ and DOI will again submit suggested revisions to the bill based on ongoing input from all parties. The Hawaii delegation is expected to seek mark-up of the bill later this week or next week by the Senate Committee on Indian Affairs.

E. Briefings

1. **Guantanamo Detainees.** On Wednesday, December 2 at 1:30 p.m. in Room 321 of the Capitol, Bureau of Prisons Director Harley Lappin will provide a briefing for Sen. Richard Durbin (D-IL) and other members of the Illinois Congressional Delegation on options for the disposition of Guantanamo detainees. Also participating will be briefers from the White House and the Department of Defense.
2. **Tribal Law and Order Act of 2009.** On Thursday, December 3 at 3:00 p.m., the Department will hold a briefing on H.R. 1924, the Tribal Law and Order Act of 2009, sponsored by Rep. Stephanie Herseth Sandlin (D-SD). This briefing will include a review of the Department’s views on S. 797, a similar Senate bill sponsored by Sen. Dorgan. Participants will include staff from both the Senate and House committees of jurisdiction. Representatives from the Department of Interior’s Bureau of Indian Affairs may also participate.
3. **National Security Oversight.** The National Security Agency (NSA) and the Department will brief Senate Intelligence staff at a date and time to be determined this week about the discovery of a recent compliance issue related to the Foreign Intelligence Surveillance Act. It is anticipated that NSA and DOJ will provide a similar briefing to Senate Judiciary Committee staff.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 8, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 11, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

- 1. Intellectual Property.** On Wednesday, December 9, at 10:00 a.m. in Room 2247 of the Rayburn House Office Building, Deputy Assistant Attorney General for the Criminal Division Jason Weinstein will testify before the House Committee on Oversight and Government Reform's Subcommittee on Government Management, Organization, and Procurement at a hearing entitled "Protecting Intellectual Property Rights in a Global Economy." Other government witnesses will include Stanford K. McCoy, Assistant U.S. Trade Representative for Intellectual Property and Innovation, Office of the U.S. Trade Representative; Robert Stoll, Commissioner of Patents at USPTO; William E. Craft, Acting Deputy Assistant Secretary, Bureau of Economics, Energy and Business Affairs, U.S. Department of State; and Loren Yager, Director, International Affairs and Trade, Government Accountability Office. The private sector panel will include: Dan Glickman, Chairman and C.E.O, Motion Picture Association of America, Inc.; Robert W. Holleyman, II, President and Chief Executive Officer, Business Software Alliance; Brian Toohey, Senior Vice President for International Affairs, Pharmaceutical Research and Manufacturers of America; and Jay Timmons, Executive Vice President, National Association of Manufacturers.

2. **Stopping Terrorist Travel.** Wednesday, December 9, at 10:00 a.m in Room 342 of the Dirksen Senate Office Building, Terrorist Screening Center Director Tim Healy will testify before the Committee on Homeland Security and Government Affairs focusing on what mechanisms are in place to prevent terrorists from being able to travel five years after the Intelligence Reform and Terrorism Prevention Act. Other witnesses on the administration panel will be David Heyman, DHS Assistant Secretary for policy; Rand Beers Under Secretary for the National Protection and Programs Directorate; and Janice L. Jacobs, Assistant Secretary of State for Consular Affairs.
3. **Financial Fraud.** On Wednesday, December 9, at 2:00 p.m. in Room 226 of the Russell Senate Office Building, Assistant Attorney General for the Criminal Division Lanny Breuer will testify before the Senate Judiciary Committee at a hearing entitled “Mortgage Fraud, Securities Fraud, and the Financial Meltdown: Prosecuting Those Responsible.” Other witnesses will be: Robert Khuzami, SEC Director of Enforcement and Kevin Perkins, FBI Criminal Investigative Division Assistant Director.
4. **Defense Trade Treaties.** On Thursday, December 10, at 10:00 a.m. in Room 419 of the Dirksen Senate Office Building, ADAG James Baker will testify before the Senate Committee on Foreign Affairs regarding Defense Trade Cooperation Treaties with U.K. and Australia. The treaties involve the export of sensitive technologies. Specifically, the Department witness is to discuss DOJ's enforcement role once the treaties are ratified by the Senate, which the committee hopes will be soon. Andrew J. Shapiro, Assistant Secretary, Department of State, will also testify.
5. **Tribal Law and Order.** On Thursday, December 10, at 10:00 a.m in Room 2237 of the Rayburn House Office Building, ASG Tom Perrelli will testify before the House Judiciary Committee’s Subcommittee on Crime, Terrorism and Homeland Security at a hearing on H.R. 1924, the Tribal Law and Order Act of 2009, a bill to improve public safety needs in Indian Country. There will be a second panel of witnesses with will include: Barbara Creel, University of New Mexico School of Law; Tova Indritz, National Association of Criminal Defense Lawyers; Marcus Levings, Chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, ND, and National Congress of American Indians. The Minority witness will be Scott Burns, National District Attorneys Association.

B. Other Hearings of interest to the Department

1. **Investor Protection.** On Tuesday; December 8, at 10:00 a.m. in Room 2128 of the Rayburn Building, the House Financial Services Committee is holding a hearing on H.R. 3817, the Investor Protection Act, now incorporated into Title IV of H.R. 4173 (see below) as part of a series of hearings on the Madoff affair.

C. Pending nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees remain pending on the Senate's Executive Calendar, awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP).
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Edward Chen, ND CA; Dolly Gee, CD CA; Richard Seeborg, ND CA; and Louis Butler, Jr., WD WI. The Senate Judiciary Committee held a hearing on the nomination of Rogeriee Thompson, First Circuit, on December 1. The following nominees, who were held over on December 3, will be on the Senate Judiciary Committee business meeting for December 10: Denny Chin, Second Circuit; Rosanna M. Peterson, ED WA; and William Conley, WD WI.
3. **U.S. Attorney Nominees.** The following nominees are pending on the Senate Executive Calendar: Sanford C. Coates, WD OK, and Mary Elizabeth Phillips, WD MO. The nomination of Richard Callahan, to be the U.S. Attorney for ED MO, is on the Senate Judiciary business meeting agenda for December 10.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: Susan Carbon, OVW; John Laub, NIJ; Stephen J. Smith, USM for SD GA; and Sharon J. Lubinski, USM for MN. The nomination of Ketanji Jackson to the U.S. Sentencing Commission was reported by the Senate Judiciary Committee on November 5 and awaits action by the full Senate as well. The nominations of John Gibbons, USM for MA, and John Kammerzell, USM for CO, are on the Senate Judiciary business meeting agenda for December 10.

D. Markups

1. **Media Shield.** On Thursday, December 10 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will resume consideration of S. 448, the Free Flow of Information Act, popularly known as the “media shield” bill. After extended negotiations, the administration has reached agreement with the committee on language that substantially addresses the Department’s concerns. If an agreement to limit consideration of the remaining amendments is not reached soon, Senators Schumer and Specter may invoke Rule 14 and try to move the bill directly to the floor for consideration.
2. **Criminal Justice Legislation.** Also slated for the Senate Judiciary Committee markup are a number of criminal justice bills. S. 714, the National Criminal Justice Commission Act, introduced by Senator Webb, would create a commission to study and make recommendations regarding the criminal justice system, mirroring in many respects the work of the Attorney General's Sentencing Reform Working Group. The Department is working with the White House to address various concerns with the bill. S. 678 would reauthorize the

Juvenile Justice and Delinquency Prevention Act of 1974. The bill will likely be held over for one week. Meanwhile, the Department's views are awaiting clearance with OMB. S. 1789, the Fair Sentencing Act (Durbin), would eliminate sentencing disparities between powder cocaine and crack. The Department supports eliminating the disparity; recommendations on how that is best accomplished have been developed by the DOJ Sentencing Working Group and are awaiting ODAG approval.

E. Briefings

1. **Guantanamo Detainees.** On Thursday, December 10 at 1:00 p.m. in Room 210 of the House Visitor's Center, Brad Wiegmann, Principal Deputy Assistant Attorney General, National Security Division, and Jeh Johnson, DOD General Counsel, will brief members of the House Armed Services Committee on the recent decision to transfer some 9/11 detainees for prosecution in federal court and to try another group of detainees before reformed military commissions.
2. **National Security Oversight.** On Tuesday, December 8 at 4:30 p.m. in Room 304 of the House Visitor's Center, Assistant Attorney General for National Security David Kris, Lt. Gen. Keith Alexander, Director of the National Security Agency, and Bob Litt, General Counsel for the Office of the Director of National Intelligence, will brief House Permanent Select Committee on Intelligence Members about FISA compliance issues.

F. Floor Action

1. **Financial Reform.** The House Financial Reform Bill, H.R. 4173, will reach the floor as early as Wednesday of this week. The bill combines in a single vehicle a number of financial reform and investor protection bills, including H.R. 3817, the Investor Protection Act. While the Administration supports the bill (a Statement of Administration Position urging House passage of the bill is likely to be issued this week) there are several provisions that have raised significant concerns for DOJ components, including a provision that would allow a court to direct the disclosure of grand jury information to the SEC upon a finding of a "substantial need in the public interest." A leadership amendment is expected to address some of our concerns, and we will be working with the White House and the Senate to try to identify ways to provide the SEC and other agencies with investigative tools without expanding access of grand jury information.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 15, 2009

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 18, 2009

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Human Rights.** On Wednesday, December 16, 2009 at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building, Assistant Attorney General for the Civil Rights Division Tom Perez will testify before the Senate Judiciary Committee's Subcommittee on Human Rights and the Law, at a hearing entitled "The Law of the Land: U.S. Implementation of Human Rights Treaties." This will be the first Congressional hearing on U.S. implementation of its human rights treaty obligations, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of Racial Discrimination, the Convention Against Torture, and others. The hearing will examine what the U.S. government is doing and what more it could do to fulfill its treaty obligations and promote human rights. In addition to AAG Perez, witnesses include: Michael Posner, Assistant Secretary of State for Democracy, Human Rights and Labor; Wade Henderson, Executive Director, Leadership Conference of Civil Rights; and Elisa Massimino, CEO and Executive Director, Human Rights First. The testimony of AAG Perez will focus not only on our commitment to working with the State Department to meet our reporting obligations but also on the Administration's commitment to reinvigorating enforcement of all of the civil rights laws.

2. **OIG Reports.** On Thursday, December 17, at 10:00am in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold an oversight hearing on “Recent Inspector General Reports Concerning the FBI.” Witnesses will be Glenn Fine, Inspector General for the Department of Justice, Margaret Gulotta, Section Chief, Language Services division of the FBI, and Jennifer Shasky from the Office of the Deputy Attorney General. The hearing will focus on the Department’s response to findings and recommendations contained in three separate OIG reports concerning explosives investigation coordination, anti-gang intelligence coordination, and the FBI’s foreign language translation program.
3. **Cobell Settlement:** On Thursday, December 17, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, Associate Attorney General Thomas J. Perrelli will testify before the Senate Indian Affairs Committee at an oversight hearing on the *Cobell v. Salazar* Settlement Agreement. Secretary of the Interior Salazar and the named Plaintiff, Louise Cobell, and her attorney are expected to also appear.

B. Other Hearings of Interest to the Department

1. **Rape Kit Backlog.** On Tuesday, December 15 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Committee on the Judiciary held a hearing entitled “Ensuring the Effective Use of DNA Evidence to Solve Rape Cases Nationwide.” Witnesses include: Debbie Smith, CEO, H-E-A-R-T, Inc.; Steve Redding, Senior Assistant County Attorney, Violent Crimes Division, DNA prosecutions and Forensics; Susan Smith Howley, Director of Public Policy, National Center for Victims of Crime; Stephanie Stoiloff, Senior Bureau Commander, Miami-Dade Police Department, Crime Laboratory Bureau; and Jayann Sepich, Victims' Advocate. The Department submitted written testimony.
2. **Intelligence Collection.** On Tuesday, December 15 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, the Senate Select Committee on Intelligence will hold a closed hearing about intelligence collection and analysis with regard to Afghanistan and Pakistan.

C. Pending Nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees remain pending on the Senate's Executive Calendar, awaiting action by the full Senate: Dawn Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP).
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Edward Chen, ND CA; Dolly Gee, CD CA; Richard Seeborg, ND CA; Louis Butler, Jr., WD WI; Rosanna M. Peterson, ED WA; and William Conley, WD WI. On Wednesday, December 16 at 3:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on two nominees for the Fourth Circuit:

James Wynn and Albert Diaz. The nomination of Rogerie Thompson, First Circuit, is on the Senate Committee markup agenda for Thursday, December 17 at 10:00 a.m.

3. **U.S. Attorney Nominees.** The following nominees are pending on the Senate Executive Calendar: Sanford C. Coates, WD OK; Mary Elizabeth Phillips, WD MO; and Richard Callahan, ED MO. On the Senate Judiciary Committee's business agenda December 17 are the nominations of: Barbara McQuade, ED MI; Christopher Crofts, WY; James L. Santelle, ED WI; and Michael Cotter, D MT.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: Susan Carbon, OVW; John Laub, NIJ; Stephen J. Smith, USM for SD GA; Sharon J. Lubinski, USM for MN; John Gibbons, USM for MA, and John Kammerzill, USM for CO. The nomination of Ketanji Jackson to the U.S. Sentencing Commission was reported by the Senate Judiciary Committee on November 5 and awaits action by the full Senate as well. The nomination of Mark Anthony Martinez, USM for NE, is on the Senate Judiciary Committee's markup calendar for December 17.

D. Markups

1. **Native Hawaiians.** The Department of Justice, Department of the Interior and the White House successfully reached an agreement with the Hawaiian delegation last week regarding H.R. 2314, Native Hawaiian Government Reorganization Act of 2009, a bill that addresses the United States' relationship with Native Hawaiians and provides a process for recognition by the United States of the Native Hawaiian governing entity. This legislation is expected to be marked up by the House Committee on Natural Resources on Wednesday, December 16 at 10:00 a.m. in Room 1324 of the Longworth House Office Building and by the Senate Committee on Indian Affairs on Thursday, December 17 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.
2. **Juvenile Justice.** On Thursday, December 17 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will consider S. 678, Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009. The Department has views that are currently with OMB awaiting clearance.
3. **Criminal Justice Legislation.** Also slated for the Senate Judiciary Committee markup are a number of criminal justice bills. S. 714, the National Criminal Justice Commission Act, introduced by Senator Webb, would create a commission to study and make recommendations regarding the criminal justice system, mirroring in many respects the work of the Attorney General's Sentencing Reform Working Group. The Department is working with the White House to address various concerns with the bill. S. 1789, the Fair Sentencing Act, introduced by Senator Durbin, would eliminate sentencing disparities between powder cocaine and crack. The Department supports eliminating the disparity; recommendations on how that can best be accomplished have been developed by the DOJ Sentencing Working Group and are awaiting ODAG approval. S. 1765, the Hate Crimes Against the Homeless

Statistics Act of 2009, would amend the Hate Crime Statistics Act to include crimes against the homeless in the crime data currently collected by the Department under the Act.

E. Briefings

1. **Thomson Acquisition.** On Wednesday, December 16 at 10:00 a.m. in Room 210 of the House Visitors Center, the House Armed Services Committee will hold a Member briefing on the decision to acquire the Thomson Correctional Center to house federal maximum security inmates, including some Guantanamo detainees. Harley Lappin, Director of the Bureau of Prisons, will appear on behalf of the Department. Also participating will be Deputy Secretary of Defense William J. Lynn.

F. Floor Action

1. **Establishment of Human Rights Section within the Criminal Division.** S.1472, the Human Rights Enforcement Act, sponsored by Senator Durbin and approved by the Senate, is on the House Suspension Calendar for Tuesday December 15, 2009. This legislation authorizes the Department to merge two sections in the Department's Criminal Division - the Domestic Security Section (DSS) and the Office of Special Investigations (OSI). The legislation would make the statutory changes necessary to effect the merger of the two sections into the Human Rights and Special Prosecutions Section since OSI was statutorily created.
2. **USA PATRIOT Act Reauthorization.** Both the House and Senate Judiciary Committees have approved legislation to reauthorize the expiring provisions of the USA PATRIOT Act. We anticipate that Congress will include a short-term extension of the expiring provisions in the Defense Appropriations Bill this week and will resume consideration of the reauthorization bill in 2010.

G. Looking Ahead

1. **USA PATRIOT Act.** Congress will resume consideration of reauthorization legislation when the new Session begins.
2. **Disclosure of Grand Jury Materials.** On Saturday, December 12, the House passed H.R. 4173, the Wall Street Reform & Consumer Protection Act. That measure combines in a single vehicle a number of financial reforms, and includes a provision that would allow a court to direct the disclosure of grand jury information to the SEC upon a motion by an attorney for the government. While the Administration supports the bill as whole (a SAP in support was issued December 8), various components have significant concerns with the provision. We will continue discussions with the SEC and will work with the White House and the Senate to ensure that grand jury secrecy is protected to the greatest extent possible.

3. **Cobell Settlement Implementation.** The Settlement Agreement in *Cobell v. Salazar* requires the enactment of implementing legislation by Congress no later than December 31, 2009. The Department is working closely with the Department of the Interior toward that end.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 12, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending January 15, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Financial Crisis Inquiry Commission.** On Thursday, January 14, at 9:00 a.m. in a room to be determined in the Capitol, Attorney General Eric Holder and Assistant Attorney General for the Criminal Division Lanny Breuer will appear before the Financial Crisis Inquiry Commission, chaired by Phil Angelides. The other witnesses on the panel will be: Chairman of the Securities and Exchange Commission Mary Schapiro and Chairman of the Federal Deposit Insurance Corporation Sheila Bair. The Financial Crisis Inquiry Commission was created when the Financial Enforcement and Recovery Act of 2009 (PL 111-21) was signed into law on May 29, 2009. The Commission's mandate is to determine the causes of the current financial crisis and provide a report with its findings by December 15, 2010.

B. Pending Nominations

1. **AAG Nominees.** The nominations of the following Assistant Attorneys General were returned to the White House at the end of the first Session of the 111th Congress: Dawn

Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP). The White House has indicated that the President intends to re-nominate all three.

2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Rosanna M. Peterson, ED WA; and William Conley, WD WI. The nominations of Dolly Gee, CD CA, and Richard Seeborg, ND CA, were confirmed on December 24th and the nominations of Louis Butler, Jr., WD WI, and Edward Chen, ND CA, were returned to the White House. The full Senate will consider the nomination of Beverly Martin, Eleventh Circuit, on January 20. We anticipate that the nominations of Rogeriee Thompson, First Circuit, as well as Albert Diaz and James Wynn, Jr., both Fourth Circuit, will be on the Senate Judiciary Committee agenda on January 21. We also anticipate a hearing on district court nominees on January 20.
3. **U.S. Attorney Nominees.** The following were confirmed on December 24: Sanford C. Coates, WD OK; Mary Elizabeth Phillips, WD MO; Richard Callahan, ED MO; Barbara McQuade, ED MI; Christopher Crofts, WY; James L. Santelle, ED WI; and Michael Cotter, D MT.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: Susan Carbon, OVW, and John Laub, NIJ. The following were confirmed on December 24th: Stephen J. Smith, USM for SD GA; Sharon J. Lubinski, USM for MN; John Gibbons, USM for MA; John Kammerzill, USM for CO; and Mark Martinez, USM for NE. The nomination of Ketanji Jackson to the U.S. Sentencing Commission was reported by the Senate Judiciary Committee on November 5 and awaits action by the full Senate. We anticipate that the nomination of James Lynch, BJS, will be on the Senate Judiciary Committee hearing agenda for January 20.

C. **Markups**

1. **New Black Panther Party.** On Wednesday, January 13 at 10:15 a.m., the House Judiciary Committee will consider H. Res. 994, a Resolution of Inquiry introduced by Rep. Frank Wolf (R-VA), which would direct the Attorney General to transmit to the House of Representatives all information in the Department's possession relating to the decision to dismiss some of the claims in United States v. New Black Panther Party. We anticipate that the Committee will report the resolution adversely, effectively preventing it from going to the floor as a privileged resolution.

D. **Briefings**

1. **Flight 253.** On Wednesday, January 13, at 12:00 p.m. in the Congressional Visitors Center, Deputy Assistant to the President and Deputy National Security Adviser for Homeland

Security and Counterterrorism John Brennan will brief all members of the U.S. House of Representatives about the attempted Christmas Day bombing. A question and answer session will follow his opening remarks. This event will also provide an opportunity to present information on the Ft. Hood shooting incident. This is a closed briefing. It is expected that Mr. Brennan will provide a similar briefing for Senate Members next week.

Several other briefings concerning the intelligence about Detroit Flight 253 will be held this week. Department of Homeland Security (DHS) is briefing Senate Commerce staff, and Department of State (State) is briefing staff from the House Foreign Affairs Committee on January 11, 2010. On January 12, 2010, the FBI, National Counterterrorism Center (NCTC), DHS, State, CIA and NSA will brief Senate Appropriations Committee staff in a closed meeting. On January 13, Director of National Intelligence Blair and Director of NCTC Leiter will brief House Intelligence Committee Members about the intelligence issues related to the incident. FBI, DHS, CIA, NSA, and State will be available for questions at the briefing. Also on January 13, staff from DHS, NCTC, and State will brief House Transportation and Infrastructure, Aviation staff.

E. Looking Ahead

1. **USA PATRIOT Act.** At the close of last session, both the Senate and House Judiciary Committees had approved legislation to reauthorize expiring provisions of the USA PATRIOT Act, but neither measure had reached the floor. The Department issued a views letter expressing its support for the Senate bill, while continuing to work with the House Judiciary Committee to resolve our concerns with their version of the bill. The Senate Judiciary Committee made a last-minute push to include the reauthorization in the omnibus appropriations bill, but differences with the House could not be overcome and Congress included only a 60-day extension of the expiring authorities. We expect to resume discussions shortly with both houses in an effort to resolve remaining issues.
2. **Flight 253.** In addition to the briefings described above, various committees will hold briefings and hearings on Flight 253 during the coming weeks. On Wednesday, January 20, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled, "Securing America's Safety: Improving the Effectiveness of Anti-Terrorism Tools and Inter-Agency Communication." This will be an open hearing at which the Committee has invited Director Mueller to testify. A representative from the State Department also has been invited to appear. Additional hearings will take place on January 20, before the Senate Committee on Homeland Security and the Senate Commerce Committee. On January 21, the Senate Select Committee on Intelligence will hold a closed hearing with DNI Blair and NCTC Director Leiter. Finally, the House Appropriations Committee will hold a closed Member level briefing on January 19 with participation from FBI, NCTC, and State.
3. **Heath Care Reform.** Negotiations between the House and Senate are ongoing, with no formal conference expected to take place. A number of provisions are of particular interest to the Department, including those relating to health care fraud enforcement and antitrust issues.

4. **Cobell Settlement Implementation.** The deadline for enactment of legislation to implement the settlement agreement in *Cobell v. Salazar* has been extended to February 28, 2010, by agreement of the parties. The Department will work closely with the Department of the Interior toward enactment of the required legislation.
5. **Fugitive Apprehensions:** On Tuesday, January 19, 2010, at 9:30 a.m. at the National Constitution Center in Philadelphia, Pennsylvania, the Senate Judiciary Subcommittee on Crime and Drugs will hold a hearing entitled, “Exploring Federal Solutions to the State and Local Fugitive Crisis.” The hearing will, among other things, focus on the Department of Justice's role in apprehending fugitives and how the Department coordinates with state and local law enforcement to do so. Chairman Specter will preside. The U.S. Marshals Service and the Federal Bureau of Investigation will send witnesses to the hearing and will submit written testimony for the record.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 19, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending January 22, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Fugitive Apprehensions.** On Tuesday, January 19, at 9:30 a.m. in the Ceremonial Courtroom at the James A. Byrne U.S. Courthouse in Philadelphia, Pennsylvania, The Senate Judiciary Subcommittee on Crime and Drugs will hold a hearing entitled, "Exploring Federal Solutions to the State and Local Fugitive Crisis." Chairman Specter will preside. The hearing will, among other things, focus on the Department of Justice's role in apprehending fugitives and how the Department coordinates with state and local law enforcement to do so. The U.S. Marshals Service and the Federal Bureau of Investigation will send witnesses to the hearing and will submit written testimony for the record.
2. **Anti-Terrorism Tools and Coordination.** On Wednesday, January 20, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Federal Bureau of Investigation Director Mueller will testify before the Senate Judiciary Committee at a hearing entitled, "Securing America's Safety: Improving the Effectiveness of Anti-Terrorism Tools and Inter-Agency Communication." Other witnesses include Patrick Kennedy, Under Secretary for Management, U.S. Department of State, and David Heyman, Assistant Secretary for Policy, U.S. Department of Homeland Security.

3. **Missing Persons.** On Thursday, January 21 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building, National Institute of Justice Acting Director Kris Rose and FBI Criminal Justice Information Services Deputy Assistant Director Stephen Morris will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security at a hearing on H.R. 3695, the “Help Find the Missing Act” or “Billy’s Law,” concerning the sharing of data between the National Missing and Unidentified Persons System (NamUs) and National Crime Information Center (NCIC). Other witnesses include Representative Chris Murphy (CT-4), Representative Ted Poe (TX-2), and Janice Smolinski, mother of “Billy” Smolinski.

B. Other Hearings of Interest to the Department

1. **The Detroit flight incident.** On Wednesday, January 20, at 9:30 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs will hold an open hearing regarding the Detroit flight incident. Director of National Intelligence Dennis Blair, Department of Homeland Security Director Janet Napolitano and National Counterterrorism Center Director Michael Leiter will testify.

Additionally, on Wednesday, January 20 at 2:30 p.m in Room 230 of the Russell Senate Office Building, the Commerce, Science, and Transportation Committee will conduct an open hearing on the incident. Witnesses include DHS Director Janet Napolitano and NCTC Director Michael Leiter.

Finally, on Thursday, January 21, at 2:30 p.m. in Room 219 of the Hart Senate Office Building, the Senate Select Committee on Intelligence will hold a closed hearing with DNI Blair and NCTC Director Leiter. The FBI will be available to answer questions.

C. Pending Nominations

1. **AAG Nominees.** The nominations of the following Assistant Attorneys General were returned to the White House at the end of the first Session of the 111th Congress: Dawn Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP). The White House has indicated that the President intends to re-nominate all three.
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Beverly Martin, Eleventh Circuit; Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Rosanna M. Peterson, ED WA; and William Conley, WD WI. The nominations of Dolly Gee, CD CA, and Richard Seeborg, ND CA, were confirmed on December 24th and the nominations of Louis Butler, Jr., WD WI, and Edward Chen, ND CA, were returned to the White House. The full Senate will consider the nomination of Beverly Martin, Eleventh Circuit, on January 20. The nominations of Rogerie Thompson, First Circuit, as well as Albert Diaz and James Wynn, Jr., both Fourth Circuit, are on the Senate

Judiciary Committee agenda on January 21. On January 20, the Senate Judiciary Committee is holding a hearing on the nominations of: Nancy Freudenthal, D. WY; Denzil P. Marshall, Jr., ED AR; Benita Pearson, ND OH; and Timothy Black, SD OH.

3. **U.S. Attorney Nominees.** The following were confirmed on December 24: Sanford C. Coates, WD OK; Mary Elizabeth Phillips, WD MO; Richard Callahan, ED MO; Barbara McQuade, ED MI; Christopher Crofts, WY; James L. Santelle, ED WI; and Michael Cotter, D MT.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: Susan Carbon, OVW, and John Laub, NIJ. The following were confirmed on December 24th: Stephen J. Smith, USM for SD GA; Sharon J. Lubinski, USM for MN; John Gibbons, USM for MA; John Kammerzell, USM for CO; and Mark Martinez, USM for NE. The nomination of Ketanji Jackson to the U.S. Sentencing Commission was reported by the Senate Judiciary Committee on November 5 and awaits action by the full Senate. The nomination of James Lynch, BJS, is on the Senate Judiciary Committee hearing agenda for January 20. The nomination of Robert W. Heun, USM for AK, is on the Senate Judiciary Committee business meeting agenda for January 21.

D. Markups

1. On Thursday, January 21 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up a number of bills, including: S.714, the National Criminal Justice Commission Act of 2009; S. 1624, the Medical Bankruptcy Fairness Act of 2009; S.1765, the Hate Crimes Against the Homeless Statistics Act of 2009; and S.1789, the Fair Sentencing Act.

E. Briefings

1. **Native Hawaiians.** On Friday, January 22, representatives from DOJ, DOI and the White House will meet with the HI congressional delegation to continue discussions on legislation that would provide for federal recognition of Native Hawaiians. DOJ has provided extensive technical guidance to the delegation as the legislation continues to move through the House and Senate.
2. **The Detroit flight incident.** On Wednesday, January 20, in the Senate Visitors' Center, Deputy Assistant to the President and Deputy National Security Adviser for Homeland Security and Counterterrorism John Brennan will brief all members of the U.S. Senate about the attempted Christmas Day bombing. A question and answer session will follow his opening remarks. This event will also provide an opportunity to present information on the Ft. Hood shooting incident. This is a closed briefing. Mr. Brennan provided a similar briefing last week to House Members.

On January 19 at 4 p.m. in Room 305 of the House Visitor's Center, NCTC, FBI, DHS, the State Department, and the Terrorist Screening Center are scheduled to brief the Chairs and Ranking Members of the House Appropriations Subcommittees on Defense, Commerce, Justice, and Science; Homeland Security; and State Foreign Operations.

F. Looking Ahead

1. **USA PATRIOT Act.** At the close of last session, both the Senate and House Judiciary Committees had approved legislation to reauthorize expiring provisions of the USA PATRIOT Act, but neither measure had reached the floor. The Department issued a views letter expressing its support for the Senate bill, while continuing to work with the House Judiciary Committee to resolve our concerns with their version of the bill. The Senate Judiciary Committee made a last-minute push to include the reauthorization in the omnibus appropriations bill, but differences with the House could not be overcome and Congress included only a 60-day extension of the expiring authorities. We have resumed discussions with House Judiciary to resolve the remaining differences.
2. **The Detroit flight incident.** In addition to the hearings and briefings described above, various committees will hold briefings and hearings on issues related to Flight 253. For example, throughout the month of February, the House and Senate Intelligence Committees will hold open and closed hearings regarding the threat assessment and analysis of terrorist threats in Yemen and Somalia.
3. **Heath Care Reform.** Negotiations between the House and Senate are ongoing, with no formal conference expected to take place. A number of provisions are of particular interest to the Department, including those relating to health care fraud enforcement and antitrust issues.
4. **Cobell Settlement Implementation.** The deadline for enactment of legislation to implement the settlement agreement in Cobell v. Salazar has been extended to February 28, 2010, by agreement of the parties. The Department will work closely with the Department of the Interior toward enactment of the required legislation.
5. **FY11 DOJ Budget Briefings.** The Department is finalizing details to provide overview briefings to the Commerce, Justice, Science appropriations subcommittee staff as well as the committee and personal staff on the Judiciary committees. The budget is set to be released on Monday, February 1 and the briefings are expected to begin on Wednesday, February 3.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 26, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending January 29, 2010

The following is a summary of our current activities:

A. Hearings of Interest to the Department

1. **Aviation Security and Flight 253.** On Tuesday, January 26, at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold an open hearing regarding the Detroit flight incident and the intelligence reforms recommended by the 9/11 commission. Thomas Kean and Lee Hamilton, the former chair and vice chair of the 9/11 commission, will testify.

On Wednesday, January 27 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee is conducting an open hearing regarding the incident. Department of Homeland Security Deputy Secretary Jane Holl Lute, NCTC Director Michael Leiter, and Under Secretary of State for Management Patrick Kennedy will testify.

B. Pending Nominations

1. **AAG Nominees.** The re-nominations of the following Assistant Attorneys General were sent to the Senate on January 20: Dawn Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP). All three nominations will be on the Senate Judiciary Committee markup agenda for January 28.
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Rogeriee Thompson, First Circuit; Rosanna M. Peterson, ED WA; and William Conley, WD WI. The Senate confirmed the nomination of Beverly Baldwin Martin, Eleventh Circuit, on January 20 and confirmed the nomination of Rosanna Peterson, ED WA, on January 25. We anticipate that the nominations of Albert Diaz and James A. Wynn, Jr., both Fourth Circuit, will be voted out of the Senate Judiciary Committee on January 28; the nominations were held over on January 21. Also on the agenda for markup will be Edward Chen, ND CA, and Louis B. Butler, Jr., WD WI, who were renominated last week.
3. **U.S. Attorney Nominees.** The nominations of Ronald C. Machen, Jr., DC; Richard S. Hartunian, ND NY; and Andre Birotte, Jr., CD CA, will be on the Senate Judiciary business meeting scheduled for January 28.
4. **Other Nominees.** The White House has announced the intent to nominate Michele Leonhart to be the Administrator of DEA. The following nominees are pending on the Senate Executive Calendar: Susan Carbon, OVW, and John Laub, NIJ. The nomination of Ketanji Jackson to the U.S. Sentencing Commission was reported by the Senate Judiciary Committee on November 5 and awaits action by the full Senate. Following the hearing on the nomination of James Lynch, BJS, on January 20th, we anticipate receiving written questions for the record this week. The nomination of Robert W. Heun, USM for AK, was approved by the Senate Judiciary Committee last week; the nomination of Willie Lee Richardson, Jr., USM for MD GA, is on the Senate Judiciary Committee agenda for this week.

C. Markups

1. **Senate Judiciary Committee.** On Thursday, January 28 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee may mark up S. 1789, a bill that aims to remove the crack/cocaine sentencing disparity. The Department supports eliminating the disparity; recommendations on how that is to be accomplished are awaiting final clearance within the Department.

Also on the agenda is S. 1741, the Witness Security and Protection Grant Program. This bill would direct the Attorney General to make competitive grants to states, tribal, and local

governments to establish or maintain programs to protect or assist witnesses in certain court proceedings. The Department has some technical concerns with the bill.

Other bills on markup calendar include: S. 1624, the Medical Bankruptcy Fairness Act of 2009; S.1765, the Hate Crimes Against the Homeless Statistics Act of 2009; and S.1749, the Cell Phones Contraband Act.

2. **Missing Persons.** On Wednesday, January 27 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security will mark up H.R. 3695, the “Help Find the Missing Act” or “Billy’s Law,” concerning the sharing of data between the National Missing and Unidentified Persons System (NamUs) and National Crime Information Center (NCIC). On Thursday, January 21, National Institute of Justice Acting Director Kris Rose and FBI Criminal Justice Information Services Deputy Assistant Director Stephen Morris testified in support of the legislation.

D. Briefings

1. **High Value Detainee Interrogation Group (HIG).** On Tuesday, January 26 at 3:00 p.m., in Room 304 of the House Visitor's Center, HIG Director Andrew McCabe will brief House Intelligence staff regarding the HIG's mandate and provide a status update.
2. **Intellectual Property.** On Wednesday, January 27, DAAG Jason Weinstein will meet with Congressman Chris Murphy regarding discuss piracy and copyright infringement issues.
3. **Human Rights Enforcement.** The FBI and the Criminal Division will brief Senator Durbin's Judiciary staff this week (time to be determined) regarding the ongoing merger of DSS and OSI in the Criminal Division. Senator Durbin sponsored legislation, which was signed by the President in December 2009, approving the merger of these two Criminal Division sections.

E. Looking Ahead

1. **Detainee Transfers.** Next week, the Department will participate in interagency briefings for staff of House and Senate Leadership and various committees on the process of resettling and repatriating Guantanamo detainees. We also anticipate significant congressional activity over the next several weeks as various committees, including the Judiciary, Intelligence, and Homeland Security Committees, schedule hearings and briefings regarding the transfer of Guantanamo detainees to locations in the U.S. for purposes of prosecution and detention. We anticipate that many of the panels will include DOJ participation.
2. **USA PATRIOT Act and Use of Exigent Letters.** At the close of last session, both the Senate and House Judiciary Committees had approved legislation to reauthorize expiring provisions of the USA PATRIOT Act, but neither measure had reached the floor. The Department issued a views letter expressing its support for the Senate bill, while continuing

to work with the House Judiciary Committee to resolve our concerns with their version of the bill. The Senate Judiciary Committee made a last-minute push to include the reauthorization in the omnibus appropriations bill, but differences with the House could not be overcome and Congress included only a 60-day extension of the expiring authorities. We have resumed discussions with the committees to resolve remaining issues and anticipate that the White House will convene an interagency meeting next week on strategy for completing action on the bill.

We anticipate that the Department will be asked to provide briefings and testimony regarding the January 22 OIG report on the FBI's use of exigent letters. It also is possible that the Judiciary Committees will wish to consider the findings and recommendations of the OIG report in the context of the PATRIOT Act reauthorization.

3. **Aviation Security and the Detroit Flight Incident.** Various committees will hold briefings and hearings throughout the month of February on issues related to Flight 253. These will include open and closed hearings before the House and Senate Intelligence Committees regarding assessments and analysis of terrorist threats in Yemen and Somalia.
4. **Health Care Reform.** No process for moving forward has yet been determined. A number of provisions are of particular interest to the Department, including those relating to health care fraud enforcement and antitrust issues.
5. **Cobell Settlement Implementation.** The deadline for enactment of legislation to implement the settlement agreement in Cobell v. Salazar has been extended to February 28, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior toward enactment of the required legislation.
6. **FY11 DOJ Budget Briefings.** The FY2011 budget will be released on Monday, February 1, and the Department is finalizing arrangements for staff briefings later that week for the Judiciary Committees and the Commerce, Justice, Science Appropriations Subcommittees.
7. **Native Hawaiians.** Representatives from DOJ, DOI and the White House continue to provide technical assistance the HI congressional delegation on legislation that would federally recognize Native Hawaiians. Representative Abercrombie, who is due to resign on February 28, 2010, is expected to bring an amended version of H.R. 2314 to the House floor in the first two weeks of February.
8. **Tribal Law and Order.** In the Senate, Senator Dorgan is again attempting to "hotline" the Tribal Law and Order Act of 2009 for unanimous approval by the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 2, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 5, 2010

The following is a summary of our current activities:

A. Hearings of Interest to the Department

1. **Aviation Security and Flight 253.** On Wednesday, February 3, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled, "First Amendment and Campaign Finance Reform after *Citizens United*."

B. Pending Nominations

1. **AAG Nominees.** *The re-nominations of the following Assistant Attorneys General were sent to the Senate on January 20: Dawn Johnsen (OLC), Mary Smith (TAX), and Christopher Schroeder (OLP). All three nominations will be on the Senate Judiciary Committee markup agenda for January 28.*
2. **Judicial Nominees.** *The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Joseph Greenaway, Third Circuit; Barbara Keenan, Fourth Circuit; Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Rogeriee*

Thompson, First Circuit; Rosanna M. Peterson, ED WA; and William Conley, WD WI. The Senate confirmed the nomination of Beverly Baldwin Martin, Eleventh Circuit, on January 20 and confirmed the nomination of Rosanna Peterson, ED WA, on January 25. We anticipate that the nominations of Albert Diaz and James A. Wynn, Jr., both Fourth Circuit, will be voted out of the Senate Judiciary Committee on January 28; the nominations were held over on January 21. Also on the agenda for markup will be Edward Chen, ND CA, and Louis B. Butler, Jr., WD WI, who were renominated last week.

3. **U.S. Attorney Nominees.** *The nominations of Ronald C. Machen, Jr., DC; Richard S. Hartunian, ND NY; and Andre Birotte, Jr., CD CA, will be on the Senate Judiciary business meeting scheduled for January 28.*
4. **Other Nominees.** *The White House has announced the intent to nominate Michele Leonhart to be the Administrator of DEA. The following nominees are pending on the Senate Executive Calendar: Susan Carbon, OVW, and John Laub, NJ. The nomination of Ketanji Jackson to the U.S. Sentencing Commission was reported by the Senate Judiciary Committee on November 5 and awaits action by the full Senate. Following the hearing on the nomination of James Lynch, BJS, on January 20th, we anticipate receiving written questions for the record this week. The nomination of Robert W. Heun, USM for AK, was approved by the Senate Judiciary Committee last week; the nomination of Willie Lee Richardson, Jr., USM for MD GA, is on the Senate Judiciary Committee agenda for this week.*

C. **Markups**

1. **Senate Judiciary Committee.** On Thursday, February 4 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee may mark up S. 1789, a bill that aims to remove the crack/cocaine sentencing disparity. The Department supports eliminating the disparity; recommendations on how that is to be accomplished are awaiting final clearance within the Department.

Also on the agenda is S. 1741, the Witness Security and Protection Grant Program. This bill would direct the Attorney General to make competitive grants to states, tribal, and local governments to establish or maintain programs to protect or assist witnesses in certain court proceedings. The Department has some technical concerns with the bill.

Other bills on markup calendar include: S. 1624, the Medical Bankruptcy Fairness Act of 2009; S.1765, the Hate Crimes Against the Homeless Statistics Act of 2009; and S.1132, the Law Enforcement Officers Safety Act Improvements Act.

2. **Missing Persons.** *On Wednesday, January 27 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security will mark up H.R. 3695, the “Help Find the Missing Act” or “Billy’s Law,” concerning the sharing of data between the National Missing and Unidentified Persons System (NamUs) and National Crime Information Center (NCIC). On Thursday, January 21, National Institute of Justice Acting Director Kris Rose and FBI Criminal Justice*

Information Services Deputy Assistant Director Stephen Morris testified in support of the legislation.

D. Briefings

1. **Human Rights.** *On February 3 at 1:30 p.m., representatives from the Criminal Division will meet with Rep. Adam Schiff to provide an introductory briefing on Nazi prosecutions and deportations. We will also provide information on the types of cases open to the public that are currently being pursued, which foreign governments are not fulfilling their role in the problem, and any ideas on how to prompt these governments to do more.*
2. **High Value Detainee Interrogation Group (HIG).** *On Tuesday, January 26 at 3:00 p.m., in Room 304 of the House Visitor's Center, HIG Director Andrew McCabe will brief House Intelligence staff regarding the HIG's mandate and provide a status update.*
3. **Intellectual Property.** *On Wednesday, January 27, DAAG Jason Weinstein will meet with Congressman Chris Murphy regarding discuss piracy and copyright infringement issues.*
4. **Human Rights Enforcement.** *The FBI and the Criminal Division will brief Senator Durbin's Judiciary staff this week (time to be determined) regarding the ongoing merger of DSS and OSI in the Criminal Division. Senator Durbin sponsored legislation, which was signed by the President in December 2009, approving the merger of these two Criminal Division sections.*

E. Looking Ahead

1. **Detainee Transfers.** *Next week, the Department will participate in interagency briefings for staff of House and Senate Leadership and various committees on the process of resettling and repatriating Guantanamo detainees. We also anticipate significant congressional activity over the next several weeks as various committees, including the Judiciary, Intelligence, and Homeland Security Committees, schedule hearings and briefings regarding the transfer of Guantanamo detainees to locations in the U.S. for purposes of prosecution and detention. We anticipate that many of the panels will include DOJ participation.*
2. **USA PATRIOT Act and Use of Exigent Letters.** *At the close of last session, both the Senate and House Judiciary Committees had approved legislation to reauthorize expiring provisions of the USA PATRIOT Act, but neither measure had reached the floor. The Department issued a views letter expressing its support for the Senate bill, while continuing to work with the House Judiciary Committee to resolve our concerns with their version of the bill. The Senate Judiciary Committee made a last-minute push to include the reauthorization in the omnibus appropriations bill, but differences with the House could not be overcome and Congress included only a 60-day extension of the expiring authorities. We have resumed discussions with the committees to resolve remaining issues and anticipate that the White*

House will convene an interagency meeting next week on strategy for completing action on the bill.

We anticipate that the Department will be asked to provide briefings and testimony regarding the January 22 OIG report on the FBI's use of exigent letters. It also is possible that the Judiciary Committees will wish to consider the findings and recommendations of the OIG report in the context of the PATRIOT Act reauthorization.

3. **Aviation Security and the Detroit Flight Incident.** Various committees will hold briefings and hearings throughout the month of February on issues related to Flight 253. These will include open and closed hearings before the House and Senate Intelligence Committees regarding assessments and analysis of terrorist threats in Yemen and Somalia.
4. **Heath Care Reform.** No process for moving forward has yet been determined. A number of provisions are of particular interest to the Department, including those relating to health care fraud enforcement and antitrust issues.
5. **Cobell Settlement Implementation.** The deadline for enactment of legislation to implement the settlement agreement in Cobell v. Salazar has been extended to February 28, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior toward enactment of the required legislation.
6. **FY11 DOJ Budget Briefings.** *The FY2011 budget will be released on Monday, February 1, and the Department is finalizing arrangements for staff briefings later that week for the Judiciary Committees and the Commerce, Justice, Science Appropriations Subcommittees.*
7. **Native Hawaiians.** Representatives from DOJ, DOI and the White House continue to provide technical assistance the HI congressional delegation on legislation that would federally recognize Native Hawaiians. Representative Abercrombie, who is due to resign on February 28, 2010, is expected to bring an amended version of H.R. 2314 to the House floor in the first two weeks of February.
8. **Tribal Law and Order.** Senator Dorgan is again attempting to "hotline" the Tribal Law and Order Act of 2009 for unanimous approval by the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 23, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 26, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Child Prostitution.** On Wednesday, February 24, at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building, U.S. Attorney for the Western District of Missouri Beth Phillips will testify before the Senate Judiciary Subcommittee on Human Rights and the Law at a hearing entitled "In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States." The hearing will address the work of the Criminal Division's Child Exploitation and Obscenity Section (CEOS). The Committee also would like to discuss the treaty on the Convention on the Rights of the Child. The Criminal Division will brief Senator Durbin's staff in advance of the hearing to discuss these issues.
2. **Nominations.** On Wednesday, February 24, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on nominations. On the agenda are Brian Jackson, to be United States District Judge for the Middle District of Louisiana; Elizabeth Foote, to be United States District Judge for the Western District of Louisiana; Marc Treadwell, to be United States District Judge for the Middle District of Georgia; Josephine Tucker, to be United States District Judge for the Central District of

California; and Mark Goldsmith, to be United States District Judge for the Eastern District of Michigan.

3. **OIG Reports concerning the FBI.** On Wednesday, February 24 at 3:00 p.m. in Room 2141 of the Rayburn House Office Building, Inspector General Glenn Fine, Section Chief of the FBI Language Services division Margeret Gulotta, and Jennifer Shasky Calvery of ODAG will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security at a hearing entitled, “Recent Inspector General Reports Concerning the FBI.” The hearing will focus on the Department’s response to findings and recommendations contained in three OIG reports, concerning: explosives investigation coordination, anti-gang intelligence coordination, and the FBI’s foreign language translation program.
4. **FY 2011 Tribal Budget.** On Thursday, February 25 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, Associate Attorney General Thomas Perrelli will testify before the Senate Committee on Indian Affairs at an Oversight Hearing to Examine Tribal Programs and Initiatives Proposed in the President’s Fiscal Year 2011 Budget. Other first panel witnesses are: Larry Echo Hawk, Assistant Secretary for Indian Affairs, Department of the Interior; and Director Yvette Roubideaux, Indian Health Service, Department of Health and Human Services. Second panel witnesses are: National Congress of American Indians President Jefferson Keel, National Indian Education Association President Patricia Whitefoot, and National American Indian Housing Council President Marty Shuravloff.
5. **OPR Report.** On Friday, February 26 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Acting Deputy Attorney General Gary Grindler will testify before the Senate Judiciary Committee at a hearing entitled, “The Office of Professional Responsibility Investigation into the Office of Legal Counsel Memoranda.” The hearing will examine the findings of the OPR investigation of Department attorneys who provided legal advice regarding interrogation of individuals captured and detained after September 11, 2001. It is anticipated that the House Judiciary Committee also will conduct a hearing on this topic in the near future.

B. Other Hearings of Interest to the Department

1. **Juvenile Facilities.** On Tuesday, February 23 at 4:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee’s Subcommittee on Crime, Terrorism, and Homeland Security will hold a hearing entitled, “Keeping Youth Safe While in Custody – Sexual Assault in Adult and Juvenile Facilities.” The hearing will explore OJP’s Bureau of Justice Statistics’ Report entitled “Sexual Victimization in Juvenile Facilities Reported by Youth, 2009-2009,” released on January 7, 2010. While the report focuses on specific types of juvenile facilities – larger facilities that typically hold adjudicated youth for longer periods – the Department will make clear its commitment to addressing confinement issues for all youth in all facilities. Witnesses are: Brenda Smith, Professor of Law at Washington College of Law at American University; Troy Erik Isaac, victim; Bernard Warner (Tentative), Chief Deputy Secretary for Juvenile Justice, Department

of Corrections and Rehabilitation Division of Juvenile Justice in Sacramento, CA; Gabriel Morgan, Sheriff, Newport News, VA; and Grace Bauer, Campaign for Youth Justice.

2. **Media and Entertainment Distribution Market.** On Thursday, February 25 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on Competition in the Media and Entertainment Distribution Market. The hearing will address the Comcast/NBC merger. We anticipate that invited witnesses will include the parties to the merger, diversity witnesses, representatives of consumer groups, representatives of unions, and several professors.

C. Pending Nominations

1. **AAG Nominees.** The following Assistant Attorneys General are pending on the Senate Executive Calendar: Christopher Schroeder (OLP) and Mary Smith (Tax). The nomination of Dawn Johnsen (OLC) has been held over in the Senate Judiciary Committee since January 28th. She is listed first on the agenda at the Committee's business meeting scheduled for February 25.
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Barbara Keenan, Fourth Circuit; Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Rogerie Thompson, First Circuit; Albert Diaz, Fourth Circuit; James A. Wynn, Jr., Fourth Circuit; William Conley, WD WI; Edward Chen, ND CA; Louis B. Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Y. Pearson, ND OH; Denzil P. Marshall, Jr., ED AR; and Timothy S. Black, SD OH. The nominations of Gloria M. Navarro, NV; Jon E. DeGuilio, ND IN; Audrey G. Fleissig, ED MO; Lucy Koh, ND CA; Jane Magnus-Stinson, SD IN; and Tanya W. Pratt, SD IN, are on the agenda of the Senate Judiciary Committee on February 25.
3. **U.S. Attorney Nominees.** The nominations of William J. Hochul, Jr., WD NY, and Sally Q. Yates, ND GA, are on the Senate Judiciary Committee agenda on February 25.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ; and Genevieve May, USM for ED LA.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, February 25 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1789, a bill that aims to remove the crack/cocaine sentencing disparity. The Department supports eliminating the disparity; recommendations on how that is to be accomplished are awaiting final clearance within the Department. Our latest intelligence is that the markup of this measure will be postponed due to scheduling issues.

Also on the agenda is S. 1741, the Witness Security and Protection Grant Program. This bill would direct the Attorney General to make competitive grants to states, tribal, and local governments to establish or maintain programs to protect or assist witnesses in certain court proceedings. The Department has some technical concerns with the bill.

Other bills on the markup calendar include: S. 1624, the Medical Bankruptcy Fairness Act of 2009; S.1765, the Hate Crimes Against the Homeless Statistics Act of 2009; S.1132, the Law Enforcement Officers Safety Act Improvements Act; and S. 2772, the Criminal Justice Reinvestment Act of 2009.

E. Briefings

1. **Detainee Transfers.** On Thursday, February 25, Matthew Olsen, Executive Director of the Guantanamo Detainee Review Task Force, will provide House Appropriations Subcommittee Chairman Mollohan and Ranking Member Wolf with an overview of the process used to determine whether a detainee can be transferred, released, prosecuted, or otherwise lawfully detained consistent with U.S. national security and foreign policy interests.

On Friday, February 26, Olsen will participate in House and Senate interagency briefings (times and locations to be arranged) on the process of resettling and repatriating Guantanamo detainees for staff of House Leadership, Senate Leadership and various committees. Others present include Alan Liotta of DOD and Chuck Alsop of ODNI.

F. Floor

1. **Native Hawaiians.** Representative Abercrombie is scheduled to bring an amended version of H.R. 2314 to the House floor this week, pending approval by the House Rules Committee (exact date/time TBD).
2. **Civilian Trials for Guantanamo detainees.** Sen. Lindsey Graham may offer an amendment to H.R. 2847, the Jobs for Main Street Act, which the Senate is expected to consider this week. Sen. Graham's amendment would bar funds from being used for the prosecution in Article III courts of individuals involved in the September 11, 2001 attacks. In the House, Rep. Peter King will attempt to offer a similar amendment to H.R. 2701, the Intelligence Authorization bill, which would prohibit DOJ from prosecuting any Guantanamo detainee in any civilian criminal court. Minority members, including Rep. Lamar Smith, the Ranking Member of the House Judiciary Committee, also are expected to seek to offer a number of other amendments related to the transfer and trial of terrorism suspects. It is unclear whether any of these amendments would be made in order under the rule. It is possible that if they are not made in order, one or more of them could be offered as a (nonbinding) motion to recommit.
3. **USA PATRIOT Act.** At the close of last session, both the Senate and House Judiciary Committees had approved legislation to reauthorize expiring provisions of the USA

PATRIOT Act, but neither measure had reached the floor. Congress enacted a 60-day extension of the expiring authorities which will expire on Sunday, February 28. We expect another extension to be enacted this week, most likely as part of a broader package including other expiring provisions of law. It is unknown at this time whether this will be another short-term extension or a longer extension of as much as one year. A joint letter from the AG and the DNI was transmitted on Monday, February 22 reiterating the Administration's support for the negotiated Senate package and urging Congress at a minimum to pass a temporary extension of sufficient length to ensure that there is no disruption to the availability of the expiring authorities.

4. **Repeal of Antitrust Exemption for Health Insurers.** The House is expected to vote this week on the Health Insurance Industry Fair Competition Act, which would repeal the McCarran-Ferguson Act's antitrust exemption insofar as it applies to the business of health insurance.

G. Looking Ahead

1. **Detainee Transfer and Interrogation.** Next week, the Department will brief Members of the Senate Armed Services Committee regarding the transfer, resettlement and repatriation of Guantanamo detainees to countries that are willing and able to accept them. We also expect various other committees – including the Judiciary, Intelligence, and Homeland Security Committees – to schedule hearings and briefings regarding the transfer of Guantanamo detainees to locations in the U.S. for purposes of prosecution and detention. A number of committees also have expressed interest in receiving briefings about the High Value Detainee Interrogation Group (HIG). Finally, DOD has invited House Judiciary and Armed Services Committee staff to visit the Thomson Correctional Facility in Illinois.
2. **Aviation Security and the Detroit Flight Incident.** The Senate Homeland Security and Government Reform Committee is planning a hearing next month on issues related to Flight 253.
3. **Health Care Reform.** No process for moving forward has yet been determined. A number of provisions are of particular interest to the Department, including those relating to health care fraud enforcement and antitrust issues.
4. **Cobell Settlement Implementation.** The deadline for enactment of legislation to implement the settlement agreement in Cobell v. Salazar has been extended to February 28, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior toward enactment of the required legislation.
5. **Tribal Law and Order.** Senator Dorgan continues to await movement on his most recent “hotline” of the Tribal Law and Order Act of 2009. He is seeking unanimous approval by the Senate and attached S. 797, as amended, to H.R. 725, Indian Arts and Crafts Amendments Act of 2010, which was passed by the House in January.

6. **FBI use of “exigent letters”**. On Friday, February 12, FBI General Counsel Valerie Caproni briefed staff of the House Permanent Select Committee on Intelligence regarding the recent OIG report on the FBI’s former use of exigent letters to obtain telephone records. The House Judiciary Committee is planning a hearing on the topic next month and we anticipate a briefing for the Senate Judiciary Committee and the Senate Select Intelligence Committee.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 2, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 5, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Transnational Drug Enterprises.** On Wednesday, March 3, at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, Assistant Administrator for Intelligence Tony Placido will testify before the House Oversight and Government Reform Committee's Subcommittee on National Security and Foreign Affairs at a hearing entitled, "Transnational Drug Enterprises (Part II): Threats to Global Stability and U.S. Policy Responses." This hearing will explore the linkages between transnational illicit drug enterprises (e.g., drug cartels), weak and fragile states, and the resulting threats to U.S. national security. Other federal witnesses include Gil Kerlikowske, Director of the Office of National Drug Control Policy; David Johnson, Assistant Secretary of State for the Bureau of International Narcotics and Law Enforcement Affairs; Adam Szubin, Director of the Treasury's Office of Foreign Assets Control; and William Wechsler, Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats.
2. **Health Care Fraud.** On Thursday, March 4, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Acting Deputy Assistant Attorney General of the Criminal Division Greg Andres will testify before the House Judiciary Committee's Subcommittee on Crime,

Terrorism and Homeland Security at a hearing entitled, “Enforcement of the Criminal Laws against Medicare and Medicaid Fraud.” Other witnesses include: Tim Menke, Deputy Inspector General, Office of Investigations, Health and Human Services; D. Mark Collins, Director, Nebraska Medicaid Fraud Control Unit and President of the National Association of Medicaid Fraud Control Units; and Jim Frogue, Vice President and Director of State Policy, Center for Health Transformation (Minority witness).

Also on Thursday, at 2:00 p.m. in Room 2358-C of the Rayburn House Office Building, Acting Deputy Attorney General Gary Grindler will testify before the House Appropriations Committee’s Subcommittee on Labor, Health and Human Services, Education, and Related Agencies at a hearing entitled, “Combating Health Care Fraud.” HHS Deputy Secretary Bill Corr, HHS Inspector General Dan Levinson and Office of the Inspector General Senior Special Agent Omar Perez will also testify.

B. Other Hearings of Interest to the Department

1. **Global Internet Freedom.** On Tuesday, March 2, at 10:00 a.m. in Room 226 of the Senate Dirksen Office Building, the Senate Judiciary Committee’s Subcommittee on Human Rights and the Law will hold a hearing entitled, “Global Internet Freedom and the Rule of Law, Part II.” Witnesses include Michael Posner, Assistant Secretary for Democracy, Human Rights, and Labor, U.S. Department of State; Daniel Weitzner, Associate Administrator for the Office of Policy Analysis and Development, National Telecommunications and Information Administration, U.S. Department of Commerce; Nicole Wong, Vice President and Deputy General Counsel, Google Inc.; Rebecca MacKinnon, Visiting Fellow at the Center for Information Technology Policy, Princeton University; and Omid Memarian, a blogger from Iran.
2. **Crime Reduction Strategies.** On Wednesday, March 3, at 2:15 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled, “Encouraging Innovative and Cost-Effective Crime Reduction Strategies.” Witnesses include Michael Schirling, Chief of Police, Burlington Police Department, Burlington, VT; Rodney Monroe, Chief of Police, Charlotte Mecklenburg Police Department, Charlotte, NC; Colonel Dean Esserman, Chief of Police, Providence Police Department, Providence, RI; Patrick Berarducci, Chief of Police, Medina Police Department, Medina, OH; and David Muhlhausen, Ph.D., Senior Policy Analyst, The Heritage Foundation.

C. Pending Nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees are pending on the Senate Executive Calendar: Christopher Schroeder (OLP) and Mary Smith (Tax). The nomination of Dawn Johnsen (OLC) has been held over in the Senate Judiciary Committee since January 28; she is listed first on the agenda at the Committee’s business meeting scheduled for March 4 and we anticipate that the nomination will be reported favorably at that time.

2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Rogerie Thompson, First Circuit; Albert Diaz, Fourth Circuit; James A. Wynn, Jr., Fourth Circuit; William Conley, WD WI; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Pearson, ND OH; Denzil Marshall, Jr., ED AR; and Timothy Black, SD OH. A cloture vote has been scheduled for the nomination of Barbara Keenan, Fourth Circuit, for March 2. The nominations of Gloria M. Navarro, NV; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Jane Magnus-Stinson, SD IN; and Tanya Pratt, SD IN, were held over at the Senate Judiciary markup on February 25 and are on the agenda for the Senate Judiciary Committee markup scheduled for March 4. The Senate Judiciary Committee held a hearing on the nominations of Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; and Josephine Tucker, SD CA, on February 24. We anticipate receiving questions for the record for all five nominees this week.
3. **U.S. Attorney Nominees.** The nominations of William Hochul, Jr., WD NY, and Sally Yates, ND GA, were approved the Senate Judiciary Committee on February 25 and are pending on the Senate Executive Calendar.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ; and Genevieve May, USM for ED LA. We anticipate that the nomination of Bea Hanson, nominee to be Director of OVC, will be on the Senate Judiciary Committee nominations hearing tentatively scheduled for March 10.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, March 4, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1789, a bill that aims to remove the crack/cocaine sentencing disparity. The Department supports eliminating the disparity; recommendations on how that is to be accomplished are awaiting final clearance within the Department. Our latest intelligence is that the markup of this measure will be postponed due to scheduling issues.

Other bills on the markup calendar include: S. 1624, the Medical Bankruptcy Fairness Act of 2009; S.1765, the Hate Crimes Against the Homeless Statistics Act of 2009; S.1132, the Law Enforcement Officers Safety Act Improvements Act; and S. 2772, the Criminal Justice Reinvestment Act of 2009.

E. Briefings

1. **DNA Backlog.** On Tuesday, March 2 at 1:30 p.m. in Room 224 of the Dirksen Senate Office Building, FBI Assistant Director Chris Hassel and FBI Special Counsel Alice

Isenberg will brief staff of the Senate Judiciary Committee on efforts to reduce the backlog of unanalyzed biological evidence from crime scenes, suspects and victims of crime.

2. **Detainee Transfer and Interrogation.** On Wednesday, March 3, Matthew Olsen, Executive Director of the Guantanamo Detainee Review Task Force, will participate in a classified interagency briefing on the process of resettling and repatriating Guantanamo detainees for Senate Armed Services Committee members. Other presenters will include Deputy Secretary of Defense William Lynn, Ambassador Daniel Fried, and Charles Alsup from ODNI.
3. **High Value Detainee Interrogation Group (HIG).** On Tuesday, March 2, HIG Director Andrew McCabe of the FBI will provide an overview of HIG procedures to House Minority Leader John Boehner. On Thursday, March 4, Director McCabe, will provide a similar briefing for Senate Judiciary staff.

F. **Floor**

1. **Repeal of Antitrust Exemption for Health Insurers.** On February 24, the House passed the Health Insurance Industry Fair Competition Act, which would repeal the McCarran-Ferguson Act's antitrust exemption insofar as it applies to the business of health insurance, by a vote of 406-19. No action has yet been scheduled in the Senate.
2. **USA PATRIOT Act.** On Saturday, February 27, the President signed a one-year extension of the three expiring provisions of the USA PATRIOT Act. The extension was passed by the Senate on Wednesday, February 24 and the House on Thursday, February 25.

G. **Looking Ahead**

1. **Detainee Transfer and Interrogation.** We expect various committees – including the Judiciary, Intelligence, and Homeland Security Committees – to schedule additional hearings and briefings regarding the transfer of Guantanamo detainees to locations in the U.S. for purposes of prosecution and detention. A number of additional committees also have expressed interest in receiving briefings about the High Value Detainee Interrogation Group (HIG). DOD has invited House Judiciary and Armed Services Committee staff to visit the Thomson Correctional Facility in Illinois (to be rescheduled for a date to be determined).
2. **Intelligence Authorization.** The House passed the intelligence authorization bill last week. The Congressional notification requirements that prompted a veto threat still remain. The Department has strong concerns about several amendments adopted in the House, including the Holt amendment, which are opposed by DOJ. It would require the ODNI Inspector General to revisit the results of one of the most exhaustive investigations ever undertaken by the FBI to determine whether there was any foreign connection to the 2001 anthrax attacks. DOJ will urge that this amendment not be included in the final conference report, which we expect will be voted on the week of March 22.

3. **Aviation Security and the Detroit Flight Incident.** The Senate Homeland Security and Government Reform and House Judiciary Committees are planning hearings this month on issues related to Flight 253.
4. **Health Care Reform.** No process for moving forward has yet been determined. A number of provisions are of particular interest to the Department, including those relating to health care fraud enforcement and antitrust issues.
5. **Cobell Settlement Implementation.** The deadline for enactment of legislation to implement the settlement agreement in *Cobell v. Salazar* has been extended a second time, to April 16, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior toward enactment of the required legislation.
6. **Tribal Law and Order.** Senator Dorgan continues seek unanimous consent for Senate approval of the Tribal Law and Order Act.
7. **FBI use of “exigent letters”.** On Friday, February 12, FBI General Counsel Valerie Caproni briefed staff of the House Permanent Select Committee on Intelligence regarding the recent OIG report on the FBI’s former use of exigent letters to obtain telephone records. The House Judiciary Committee is planning a hearing on the topic this month and we also expect to brief the Senate Judiciary and Intelligence Committees.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 9, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 12, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Terrorism.** On Wednesday, March 10 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, FBI Terrorist Screening Center Director Timothy Healy will testify before the Senate Homeland Security and Government Affairs Committee at a hearing entitled, "The Lessons and Implications of the Christmas Day Attack: Watchlisting and Pre-Screening." Other federal witnesses include: Russell Travers, Deputy Director, Information Sharing and Knowledge Development National Counterterrorism Center, Office of the Director of National Intelligence; Gale Rossides, Acting Administrator, Transportation Security Administration, U.S. Department of Homeland Security; and David Aguilar, Acting Deputy Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security.
2. **Cobell Settlement.** On Wednesday, March 10 at 10:00 a.m. in Room 1324 of the Longworth House Office Building, Associate Attorney General Thomas Perrelli will testify before the House Natural Resources Committee at a hearing on the settlement in *Cobell v. Salazar*. David Hayes, Deputy Secretary of the Department of Interior, will also testify. A second panel will include a witness from the Intertribal Monitoring Association of Indian

Trust Funds, the Indian Land Working Group, and Richard Monette, a professor at University of Wisconsin law school. The final panel will feature Ms. Cobell.

3. **Video and Broadband Competition.** On Thursday, March 11 at 10:00 a.m. in Room 253 of the Russell Senate Office Building, Assistant Attorney General for the Antitrust Division Christine Varney will testify before the Senate Committee on Commerce, Science and Transportation at a hearing entitled, “Consumers, Competition, and Consolidation in the Video and Broadband Market.” On the same panel as AAG Varney will be FCC Chairman Julius Genachowski. The second panel of witnesses will include Chairman and CEO of Comcast Brian Roberts, a representative of the Consumer Federation of America, a representative of Wide Open West, a law professor from the University of Pennsylvania, and a representative of the Writers Guild.

B. Other Hearings of Interest to the Department

1. **Campaign Finance.** On Wednesday, March 10 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled, “We the People? Corporate Spending in American Elections after *Citizens United*.” Witnesses include: Jeffrey Rosen, a Professor at the George Washington University Law School; Doug Kendall, the Founder and President of the Constitutional Accountability Center; and Bradley Smith, Chairman of the Center for Competitive Politics and a Professor of Law at the Capital University Law School.

On Thursday, March 11, at 10:00 a.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Committee’s Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises will hold a hearing entitled, “Corporate Governance after *Citizens United*.”

2. **Fair Housing Act.** On Thursday, March 11, at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee’s Subcommittee on the Constitution, Civil Rights, and Civil Liberties will hold a hearing entitled, “Protecting the American Dream – A Look at the Fair Housing Act.” The witnesses will be: Shanna Smith, President and CEO of the National Fair Housing Alliance; Barbara Arnwine, Executive Director of the Lawyers’ Committee for Civil Rights under Law; Professor Kenneth Marcus, the Lillie and Nathan Ackerman Visiting Professor of Equality and Justice in America, Baruch College/CUNY School of Public Affairs; John Reiman, Founder and Director of Reiman and Dane; Rea Carey, Executive Director of the National Gay and Lesbian Task Force; and Dean Okianer Christian Dark, Associate Dean for Academic Affairs at Howard University School of Law.

C. Pending Nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees are pending on the Senate Executive Calendar: Christopher Schroeder (OLP), Mary Smith (Tax), and Dawn

Johnsen (OLC). The Johnsen nomination was voted out of the Senate Judiciary Committee by a vote of 12-7, along party lines, on March 4.

2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Rogerie Thompson, First Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Pearson, ND OH; Denzil Marshall, Jr., ED AR; Timothy Black, SD; Gloria M. Navarro, NV; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; and Tanya Pratt, SD IN. We anticipate that the nominations of Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; and Josephine Tucker, SD CA, will be on the Senate Judiciary Committee business meeting agenda on March 11, as well as Jane Magnus-Stinson, who was held over last week. The Committee has scheduled a hearing for March 10 on the following judicial nominees: Robert Chatigny, Second Circuit; William Martinez, Colorado; Gary Feinerman, ND IL; and Sharen Coleman, ND IL. Barbara Keenan, Fourth Circuit, was confirmed on March 2 by a vote of 99-0, and William Conley, WD WI, was confirmed on March 4 by a vote of 99-0.
3. **U.S. Attorney Nominees.** The nominations of William Hochul, Jr., WD NY, and Sally Yates, ND GA, were approved the Senate Judiciary Committee on February 25 and are pending on the Senate Executive Calendar.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ; and Genevieve May, USM for ED LA. The nominations of Kelvin Washington, USM SC, and Christopher Hoye, USM NV, are on the Senate Judiciary Committee's business meeting agenda for March 11.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, March 11, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1789, a bill that aims to remove the crack/cocaine sentencing disparity. The Department supports eliminating the disparity; recommendations on how that is to be accomplished are awaiting final clearance within the Department. We anticipate that amendments will be offered at markup to reduce but not eliminate the disparity and to provide for various sentencing enhancements.

Other bills on the markup calendar include: S. 1624, the Medical Bankruptcy Fairness Act of 2009; S.1765, the Hate Crimes Against the Homeless Statistics Act of 2009; S. 148, the Discount Pricing Consumer Protection Act; and S. 2772, the Criminal Justice Reinvestment Act of 2009.

E. Looking Ahead

1. **House Appropriations.** On Tuesday, March 16 at 2:00 p.m. in Room 2359 of the Rayburn House Office Building, the Attorney General will testify before the House Appropriations Committee's Subcommittee on Commerce, Justice and Science at a hearing on Oversight of the Department of Justice. Budget and Guantanamo issues are expected to be the focus.
2. **Detainee Transfer and Interrogation.** We expect various committees – including the Judiciary, Intelligence, and Homeland Security Committees – to schedule additional hearings and briefings regarding the transfer of Guantanamo detainees. A number of additional committees also have expressed interest in receiving briefings about the High Value Detainee Interrogation Group (HIG). DOD has invited House Judiciary, Armed Services, and Foreign Affairs Committee staff to visit the Thomson Correctional Facility in Illinois on Monday, March 15, 2009.
3. **Intelligence Authorization.** The House passed the intelligence authorization bill for FY 2010 on February 26. The Congressional notification requirements that prompted a veto threat still remain. The Department has strong concerns about several amendments adopted in the House, including the Holt Amendment, which would require the ODNI Inspector General to revisit the results of one of the most exhaustive investigations ever undertaken by the FBI to determine whether there was any foreign connection to the 2001 anthrax attacks. The Department also opposes a provision in the bill that would bar the giving of Miranda warnings for terrorism suspects and Armed Forces detainees located abroad. DOJ has urged that these and various other provisions be stripped from the conference report, which may be on the floor in each House during the week of March 22.
4. **Aviation Security and the Detroit Flight Incident.** The House Judiciary Committee is planning a hearing on March 24 regarding issues related to Flight 253.
5. **Health Care Reform.** While the process for moving forward on health care reform continues to develop, we understand that as a first step, the House may vote on the Senate-passed bill, which includes provisions related to health care fraud enforcement. Quickly after that, the House is expected to take up a "corrections" bill and then some kind of budget reconciliation process will begin. We will continue to monitor provisions of particular interest to the Department, including those relating to health care fraud enforcement.
6. **Cobell Settlement Implementation.** The deadline for enactment of legislation to implement the settlement agreement in *Cobell v. Salazar* has been extended a second time, to April 16, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior toward enactment of the required legislation.
7. **Tribal Law and Order.** Senator Dorgan continues seek unanimous consent for Senate approval of the Tribal Law and Order Act.

8. **FBI use of “exigent letters”**. On Monday, March 1, FBI General Counsel Valerie Caproni briefed staff of the Senate Select Committee on Intelligence and the Senate Judiciary Committee regarding the recent OIG report on the FBI’s former use of exigent letters to obtain telephone records. The House Judiciary Committee is planning a hearing on the topic for April 14.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 16, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 19, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **OSHA.** On Tuesday, March 16 at 10:00 a.m. in Room 2175 of the Rayburn House Office Building, Deputy Assistant Attorney General for the Environment and National Resources Division John Cruden will testify before the House Committee on Education and Labor's Subcommittee on Workforce Protections at a hearing that will address expanded coverage under the Occupational Health and Safety Administration (OSHA). Cruden's testimony will focus on the ENRD experience in prosecuting companies and their officials for illegal conduct which either resulted in a worker death or injury, or knowingly put workers at risk of death or injury. Other witnesses include: David Martin, Assistant Secretary of Labor for Occupational Safety and Health; Jonathan Snare, Chamber of Commerce; and Eric Frumin, Change to Win.
2. **Appropriations.** On Tuesday, March 16 at 2:00 p.m. in Room 2359 of the Rayburn House Office Building, Attorney General Eric H. Holder, Jr., will testify before the House Appropriations Committee's Commerce, Justice and Science Subcommittee at a hearing on Department of Justice Appropriations. Budget and Guantanamo issues are expected to be the focus.

3. **Terrorism.** On Wednesday, March 17 at 10:00 a.m. in Room 311 of the Cannon House Office Building, FBI Special Assistant Brett Hovington will testify before the House Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment at a hearing entitled, “Working with Communities to Disrupt Terror Plots.”
4. **Virgin Islands Proposed Constitution.** On Wednesday, March 17, at 2:00 p.m. in Room 1324 of the Rayburn House Office Building, Deputy Assistant Attorney General for the Office of Legal Counsel Jonathan Cedarbaum will testify before the House Natural Resources Committee’s Subcommittee on Insular Affairs, Oceans and Wildlife at a hearing entitled, “Proposed Constitution of the United States Virgin Islands adopted by the Fifth Constitutional Convention on May 26, 2009.”
5. **FOIA.** On Thursday, March 18 at 2:00 p.m. in Room 2154 of the Rayburn House Office Building, Melanie Pustay, DOJ's Director of the Office of Information Policy, will testify before the House Oversight and Government Reform Committee’s Information Policy, Census and National Archives Subcommittee at a hearing entitled, “Administration of the Freedom of Information Act: Current Trends.” In addition, Miriam Nisbet, Director of the Office of Government Information Services, a representative from the Government Accountability Office, and two agency FOIA officers are expected to testify. There also will be a panel of non-government witnesses.

B. Other Hearings of Interest to the Department

1. **Democracy Restoration Act of 2009.** On Tuesday, March 16, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee’s Subcommittee on the Constitution, Civil Rights, and Civil Liberties will hold a hearing on H.R. 3335, the “Democracy Restoration Act of 2009,” which aims to secure the Federal voting rights of persons who have been released from incarceration. Witnesses include: Hilary Shelton, Director, NAACP Washington Bureau; Roger Clegg, President and General Counsel, Center for Equal Opportunity; Burt Neuborne, Professor of Civil Liberties, New York University School of Law; Hans von Spakovsky, Senior Legal Fellow, The Heritage Foundation; Carl Wicklund, Executive Director, American Probation and Parole Association; Ion Sancho, Supervisor of Elections, Leon County, FL; and Andrés Idarraga of Central Falls, RI.
2. **Bankruptcy.** On Wednesday, March 17, in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee’s Subcommittee on Administrative Oversight and the Courts will hold a hearing entitled “Could Bankruptcy Reform Help Preserve Small Business Jobs?” Witnesses include: Edward Mendenhall, Jr., a Small Business Owner from Warren, RI; Charles Bullock, an Attorney from Southfield, MI; A. Thomas Small, a Retired United States Bankruptcy Judge from Eastern District of North Carolina and Co-Chair National Bankruptcy Conference; Joseph Mason, an Associate Professor in the Department of Finance at Louisiana State University; and Thomas Bennett, United States Bankruptcy Judge, Northern District of Alabama.

3. **State Alcohol Regulation.** On Thursday, March 18 at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee's Subcommittee on Courts and Competition Policy will hold a hearing on "Legal Issues Concerning State Alcohol Regulation."

C. Pending Nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees are pending on the Senate Executive Calendar: Christopher Schroeder (OLP), Mary Smith (Tax), and Dawn Johnsen (OLC).
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Rogerie Thompson, First Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Pearson, ND OH; Denzil Marshall, Jr., ED AR; Timothy Black, SD; Gloria M. Navarro, NV; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; and Jane Magnus-Stinson, SD IN. The nominations of Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; and Josephine Tucker, SD CA, were held over in the Senate Judiciary Committee last week; we anticipate they will be voted out of Committee on March 18. The Committee held a hearing on March 10 on the following judicial nominees: Robert Chatigny, Second Circuit; William Martinez, Colorado; Gary Feinerman, ND IL; and Sharen Coleman, ND IL. We anticipate receiving written questions for the record for the nominees this week.
3. **U.S. Attorney Nominees.** The nominations of William Hochul, Jr., WD NY, and Sally Yates, ND GA, were confirmed on March 10. The nominations of William Nettles, SC, and Wifredo Ferrer, SD FL, are on the Senate Judiciary Committee business meeting agenda for March 18.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ; Kelvin Washington, USM SC; and Christopher Hoye, USM, NV. The nomination of Genevieve May, USM for ED LA, was confirmed on March 10.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, March 18, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 2974, the Return of Talent Act, which would establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction.

Other bills on the markup calendar include: S. 1624, the Medical Bankruptcy Fairness Act of 2009; S.1765, the Hate Crimes Against the Homeless Statistics Act of 2009; S. 148, the Discount Pricing Consumer Protection Act, which would restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violate the Sherman Act; and S. 2960, Refugee Opportunity Act, which would exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence.

E. Floor

1. **Health Care Reform.** The House is likely this week to adopt the Senate-passed bill, which includes provisions related to health care fraud enforcement, and the House also is expected to take up a "corrections" bill. We continue to monitor provisions of particular interest to the Department, including those relating to health care fraud enforcement.

F. Other

1. **Tour of Thomson Correctional Facility.** On Monday, March 15, 2009, pursuant to an invitation from DOD, House Judiciary, Armed Services, Homeland Security, and Foreign Affairs staff toured the Thomson Correctional Facility in Illinois, a proposed site for the transfer of the Guantanamo Bay detainees. Officials from the Bureau of Prisons also attended.

G. Looking Ahead

1. **Senate Judiciary Oversight.** On Tuesday, March 23 at 9:30 a.m. (location to be announced), the Attorney General will testify before the Senate Judiciary Committee at a hearing on Oversight of the Department of Justice.
2. **Detainee Transfer and Interrogation.** We expect various committees – including the Judiciary, Intelligence, and Homeland Security Committees – to schedule additional hearings and briefings regarding the transfer of Guantanamo detainees. A number of additional committees also have expressed interest in receiving briefings about the High Value Detainee Interrogation Group (HIG).
3. **Intelligence Authorization.** On February 26, the House passed H.R. 2701, the Intelligence Authorization bill for FY 2010. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. The administration also opposes several other amendments adopted in the House that have prompted strong concern within the department, including the

Holt Amendment, which would require the ODNI Inspector General to revisit the results of one of the most exhaustive investigations ever undertaken by the FBI to determine whether there was any foreign connection to the 2001 anthrax attacks, and a provision that would bar the giving of Miranda warnings for terrorism suspects and Armed Forces detainees located abroad. The administration has urged that these and various other provisions be stripped from the conference report, which may be on the floor in each House during the week of March 22.

4. **Financial Reform.** The Senate Banking Committee is expected to begin markup during the week of March 22 of financial overhaul legislation introduced by Chairman Christopher J. Dodd on March 15. It is possible that amendments will be offered during markup or on the Senate floor to grant federal regulators and inspectors general various litigation authorities, including testimonial subpoena authority and access to grand jury materials. We are working with the White House to ensure that any grants of new authority in these areas do not impair civil liberties or interfere with criminal or civil proceedings.
5. **Aviation Security and the Detroit Flight Incident.** The House Judiciary Committee is planning a hearing on March 24 regarding issues related to Flight 253.
6. **Cobell Settlement Implementation.** In December 2009, the Administration announced a settlement in the *Cobell v. Salazar* class action lawsuit. It provides \$1.412 billion to compensate class members for historical accounting claims and to resolve potential claims of trust mismanagement. In addition, it provides \$2 billion for the purchase of fractionated land interests held by individual Indians. Up to \$60 million of the \$2 billion may be contributed to a scholarship fund for the benefit of American Indians and Alaska Natives. The deadline for enactment of legislation to implement the settlement agreement in *Cobell* has been extended a second time, to April 16, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior toward enactment of the required legislation.
7. **Black Farmers (Pigford II) Settlement Implementation.** On February 18, 2010, the parties signed a settlement agreement in *In re Black Farmers Discrimination Litigation (Pigford II)*. *Pigford II* settlement is designed to resolve fully and forever all remaining claims from the original *Pigford* litigation and adjudicate thousands of late-filed claims of black farmers who allege that they were discriminated against by USDA in credit and non-credit programs. In addition to the \$100M Congress provided in the 2008 Farm Bill, the President has requested \$1.15 billion in additional FY2010 appropriations to resolve the claims. The House Appropriations Committee is drafting language to implement the settlement and we will continue to monitor this as it moves forward.
8. **Tribal Law and Order.** Senator Dorgan continues seek unanimous consent for Senate approval of the Tribal Law and Order Act.

9. **FBI use of “exigent letters”**. The House Judiciary Committee is planning a hearing on April 14 regarding the recent OIG report on the FBI’s former use of exigent letters to obtain telephone records. FBI General Counsel Valerie Caproni has previously briefed staff of the Senate Select Committee on Intelligence and the Senate Judiciary Committee regarding this issue.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 23, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 26, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Terrorism Prevention.** On Wednesday, March 24, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, FBI Terrorist Screening Center Director Tim Healy will testify before the House Judiciary Committee at a hearing entitled, "Sharing and Analyzing Information to Prevent Terrorism." Acting Deputy Assistant Secretary for Policy at the Department of Homeland Security Patricia Cogswell will also testify.
2. **Drugs in Long-term Care Facilities.** On Wednesday, March 24, at 2:00 p.m. in Room 106 of the Dirksen Senate Office Building, DEA Deputy Assistant Administrator for the Office of Diversion Control Joe Rannazzisi will testify before the Senate Special Committee on Aging at a hearing entitled, "The War on Drugs Meets the War on Pain: Nursing Home Patients Caught in the Crossfire." The focus will be on long-term care facility regulations. DEA and the Department met with the staff of the committee on this issue last fall. Representatives from the Office of the Attorney General recently met with the lobbyist who is pushing for a legislative solution – Claudia Schlosberg, Director of Policy and Advocacy for the American Society of Consultant Pharmacists.

3. **Intelligence Programs and Budget.** On Wednesday, March 24, at 2:00 p.m. in Room 304 of the House Visitors Center, Tony Placido, DEA Assistant Administrator and Chief of Intelligence, and Arthur Cummings, Executive Assistant Director of the FBI's National Security Branch, will testify at a closed hearing before the House Permanent Select Committee on Intelligence on Department of Justice intelligence programs and resources. The Department will discuss the relevant portions of the IC budget that pertain to DEA and FBI, and provide an update on the most critical intelligence-related activities, accomplishments, challenges, and future plans.

B. Pending Nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees are pending on the Senate Executive Calendar: Christopher Schroeder (OLP), Mary Smith (Tax), and Dawn Johnsen (OLC).
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Pearson, ND OH; Denzil Marshall, Jr., ED AR; Timothy Black, SD OH; Gloria Navarro, NV; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; Jane Magnus-Stinson, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; and Josephine Tucker, SD CA. Rogerie Thompson, First Circuit, was confirmed on March 17th. On the Senate Judiciary Committee business meeting agenda for March 25 are: William Martinez, D CO; Gary Feinerman, ND IL; and Sharen Coleman, ND IL. The Committee has scheduled a hearing for March 24 on the nominations of Goodwin Liu, Ninth Circuit, and Kimberly J. Mueller, ED CA.
3. **U.S. Attorney Nominees.** The nominations of William Nettles, SC, and Wifredo Ferrer, SD FL, were approved by the Senate Judiciary Committee on March 18 and are pending on the Senate Executive Calendar. The nominations of David Capp, ND IN, and Anne Tompkins, WD NC, are on the Senate Judiciary business meeting agenda for March 25.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ. Kelvin Washington, USM SC, and Christopher Hoye, USM, NV, were confirmed on March 19th. The nominations of Peter C. Munoz, WD MI, and Kelly Nesbit, WD NC, are on the Senate Judiciary Committee business meeting agenda for March 25.

C. Markups

1. **Senate Judiciary Committee.** On Thursday, March 25, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 2974, the Return of Talent Act, which would establish the Return of Talent Program to

allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction.

Other bills on the markup calendar include: S. 3111, the Faster FOIA Act; S. 3031, the Drug Free Communities Enhancement Act; S. 1624, the Medical Bankruptcy Fairness Act; and S. 2960, Refugee Opportunity Act, which would exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence.

D. Floor

1. **Health Care Reform.** On March 23, 2010, the President signed into law health insurance reform legislation that includes provisions to strengthen the Department's health care fraud enforcement efforts. It also provides subpoena authority for investigations conducted pursuant to the Civil Rights for Institutionalized Persons Act. The Senate is currently debating a reconciliation bill that will modify some provisions of the insurance reform bill. That legislation will provide additional funds for the Health Care Fraud and Abuse Control Program (HCFAC), a central part of the Department's efforts to combat fraud and abuse in health care.

E. Briefings

1. **Guantanamo Review Task Force briefing.** On Monday, March 22, at 2:00 p.m. in Room 219 of the Hart Office Building, Matthew Olsen, Executive Director of the Guantanamo Review Task Force, and Charles Alsup of ODNI briefed Senate Intelligence Committee staff regarding the role of the intelligence community within the Task Force.
2. **JJDP Reauthorization.** On Friday, March 26, representatives from the Office of Justice Programs will brief leadership staff on the Senate Judiciary Committee regarding reauthorization of the Juvenile Justice Delinquency Prevention Act (S. 168).

F. Looking Ahead

1. **Department of Justice Oversight.** The Senate Judiciary hearing originally scheduled for Tuesday, March 23, 2010 has been postponed. We anticipate that it will be rescheduled for April.
2. **Detainee Transfer and Interrogation.** In April, the Guantanamo Review Task Force will provide an overview of the detainee review and repatriation process to House Intelligence Committee Members. We expect other committees – including the Judiciary and Homeland Security Committees – to schedule additional hearings and briefings regarding the transfer of

Guantanamo detainees. A number of additional committees also have expressed interest in receiving briefings about the High Value Detainee Interrogation Group (HIG).

3. **Intelligence Authorization.** On February 26, the House passed H.R. 2701, the Intelligence Authorization bill for FY 2010. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. The administration also opposes several other amendments adopted in the House that have prompted strong concern within the department, including the Holt Amendment, which would require the ODNI Inspector General to revisit the results of one of the most exhaustive investigations ever undertaken by the FBI to determine whether there was any foreign connection to the 2001 anthrax attacks, and a provision that would bar the giving of Miranda warnings for terrorism suspects and Armed Forces detainees located abroad. The administration has urged that these and various other provisions be stripped from the conference report, which we expect to come to the floor of both chambers during the coming weeks.
4. **Cobell Settlement Implementation.** In December 2009, the Administration announced a settlement in the *Cobell v. Salazar* class action lawsuit. It provides \$1.412 billion to compensate class members for historical accounting claims and to resolve potential claims of trust mismanagement. In addition, it provides \$2 billion for the purchase of fractionated land interests held by individual Indians. Up to \$60 million of the \$2 billion may be contributed to a scholarship fund for the benefit of American Indians and Alaska Natives. The deadline for enactment of legislation to implement the settlement agreement in *Cobell* has been extended a second time, to April 16, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior toward enactment of the required legislation.
5. **Black Farmers (Pigford II) Settlement Implementation.** On February 18, 2010, the parties signed a settlement agreement in *In re Black Farmers Discrimination Litigation (Pigford II)*. *Pigford II* settlement is designed to resolve fully and forever all remaining claims from the original *Pigford* litigation and adjudicate thousands of late-filed claims of black farmers who allege that they were discriminated against by USDA in credit and non-credit programs. In addition to the \$100M Congress provided in the 2008 Farm Bill, the President has requested \$1.15 billion in additional FY2010 appropriations to resolve the claims. The House Appropriations Committee is drafting language to implement the settlement and we will continue to monitor this as it moves forward.
6. **Tribal Law and Order.** Senator Dorgan continues seek unanimous consent for Senate approval of the Tribal Law and Order Act.
7. **FBI use of “exigent letters”.** The House Judiciary Committee is planning a hearing on April 14 regarding the recent OIG report on the FBI’s former use of exigent letters to obtain telephone records. FBI General Counsel Valerie Caproni has previously briefed staff of the Senate Select Committee on Intelligence and the Senate Judiciary Committee regarding this issue.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 13, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 16, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Terrorist Financing.** On Tuesday, April 13, at 2:30 p.m. in Room 219 of the Hart Senate Office Building, Cory Nelson, Deputy Director of the FBI's Terrorist Financing Operations Section, and Bill Dayhoff, an agent in the FBI's Terrorist Financing Operations Section, will testify before the Senate Select Committee on Intelligence at a hearing on the Terrorist Finance Tracking Program. Other witnesses include: Treasury Under Secretary Stuart Levey, and representatives from NSA, CIA, NCTC, DIA, and DEA.
2. **Oversight.** On Wednesday, April 14, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, Attorney General Eric H. Holder, Jr., will testify before the Senate Judiciary Committee at a hearing entitled, "Oversight of the Department of Justice."
3. **Exigent Letters.** On Wednesday, April 14, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, FBI General Counsel Valerie Caproni and Inspector General Glen Fine will testify before the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties at a hearing on recent OIG report regarding the FBI's former

use of exigent letters to obtain telephone records. Valerie Caproni has previously briefed staff of the Senate Select Committee on Intelligence and the Senate Judiciary Committee regarding this issue.

B. Other hearings of interest to the Department

1. **Minority Small Business Issues.** On Thursday, April 15, the Senate Small Business and Entrepreneurship Committee will hold a hearing entitled, “Assessing Access: Obstacles and Opportunities for Minority Small Business Owners in Today’s Capital Markets.” The hearing will discuss what Congress can do to create more opportunities and address current obstacles for minority business owners in accessing and obtaining capital and related technical assistance, and to build a sufficient record in order to address those issues.

C. Pending Nominations

1. **AAG Nominees.** The following Assistant Attorney General nominees are pending on the Senate Executive Calendar: Christopher Schroeder (OLP), and Mary Smith (Tax). AAG candidate Dawn Johnsen withdrew her nomination on Friday, April 9.
2. **Judicial Nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Pearson, ND OH; Denzil Marshall, Jr., ED AR; Timothy Black, SD OH; Gloria Navarro, NV; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; Jane Magnus-Stinson, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; and Josephine Tucker, SD CA. On the Senate Judiciary Committee business meeting agenda for April 15 are: William Martinez, D CO; Gary Feinerman, ND IL; and Sharon Coleman, ND IL. We anticipate that the Senate Judiciary Committee will hold a hearing on April 16 on the nominations of Goodwin Liu, Ninth Circuit; Kimberly J. Mueller, ED CA; Richard M. Gergel, SC; J. Michelle Childs, SC; and Catherine Eagles, MD NC.
3. **U.S. Attorney Nominees.** The nominations of William Nettles, SC; Wifredo Ferrer, SD FL; David Capp, ND IN; and Anne Tompkins, WD NC, are pending on the Senate Executive Calendar. The following U.S. Attorney nominations will be on the Senate Judiciary Committee business meeting agenda on April 15: Loretta Lynch, ED NY, and Kerry Harvey, ED KY.
4. **Other Nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ; Peter Munoz, USM WD MI; and Kelly Nesbit, USM WD NC. The following U.S. Marshal nominations will be on the Senate Judiciary Committee business meeting agenda on April 15: Noel March, ME; George White, SD MS; and Brian Underwood, ID.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, April 15, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 3111, the Faster FOIA Act, which would establish a 16-member Commission on Freedom of Information Act Processing Delays to conduct a study concerning methods to reduce delays in processing FOIA requests; and S. 1346, the Crimes Against Humanity Act, which would impose criminal penalties for, and provide expanded jurisdiction for prosecution of, certain crimes committed as part of a widespread and systematic attack directed against any civilian population and with knowledge of the attack.

Other bills on the markup calendar include: S. 3031, the Drug Free Communities Enhancement Act; S. 1624, and S. 1624, the Medical Bankruptcy Fairness Act.

E. Briefings

1. **Southwest Border.** On Thursday, April 15, representatives from the FBI, DEA, the State Department, and the Department of Homeland Security will brief members of the House Committee on Homeland Security regarding Southwest Border issues.
2. **Prison Rape Elimination Act.** On Thursday, April 15, representatives from ODAG, OLP, and OLA will meet with House Judiciary Committee staff to discuss Prison Rape Elimination Act (PREA) implementation. The time and location have yet to be determined.

F. Looking Ahead

1. **Guantanamo Review Task Force.** On Tuesday, April 20 at 2:30 p.m., the Guantanamo Review Task Force, led by Matthew Olsen, Executive Director, will brief Members of the Senate Select Committee on Intelligence on the intelligence community's role in the detainee review process. The Task Force will also brief Members of the House Permanent Select Committee on Intelligence Committee and the House Armed Services Committee on April 22 at 9:00 a.m. and 11:30 a.m., respectively. The latter briefings will focus on the detainee review process as well as the repatriation and resettlement of the detainees. Other interagency briefers for these briefings will include: Ambassador Dan Fried, Alan Liotta, DOD's Principal Director for Detainee Affairs in OSD, Michael Koscheski of the Joint Chiefs of Staff, David Shedd of ODNI, and Andrew Gordon of DHS.
2. **Civil Rights Division Oversight.** On Tuesday, April 20, at 10:00 a.m., Assistant Attorney General for the Civil Rights Division Thomas Perez will testify before the Senate Judiciary Committee at a hearing entitled, "Oversight of the Civil Rights Division."
3. **International Criminal Investigative Training Assistance Program (ICITAP).** On Thursday, April 15, representatives from the Criminal Division will brief staff members from

Senator Feingold's office and the Senate Committee on Foreign Relations on the Department's ICITAP program.

4. **Department of Justice Oversight.** The House Judiciary Committee has tentatively scheduled a Department of Justice oversight hearing with the Attorney General for Thursday, May 6.
5. **Intelligence Authorization.** The House and Senate Intelligence Committees are continuing negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, and a final vote on the conference report is expected soon. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. It is our understanding that the Department's most serious concerns with the legislation have been favorably resolved, but we are continuing to work with ODNI to address remaining issues.
6. **Cobell Settlement Implementation.** In December 2009, the Administration announced a settlement in the Cobell v. Salazar class action lawsuit. It provides \$1.412 billion to compensate class members for historical accounting claims and to resolve potential claims of trust mismanagement. In addition, it provides \$2 billion for the purchase of fractionated land interests held by individual Indians. Up to \$60 million of the \$2 billion may be contributed to a scholarship fund for the benefit of American Indians and Alaska Natives. The deadline for enactment of legislation to implement the settlement agreement has been extended a third time, to May 29, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior and others within the Administration toward enactment of the required legislation.
7. **Black Farmers (Pigford II) Settlement Implementation.** On February 18, 2010, the parties signed a settlement agreement in In re Black Farmers Discrimination Litigation (Pigford II). The Pigford II settlement is designed to resolve fully and forever all remaining claims from the original Pigford litigation and adjudicate thousands of late-filed claims of black farmers who allege that the USDA discriminated against them in credit and non-credit programs. In addition to the \$100M Congress provided in the 2008 Farm Bill, the President has requested \$1.15 billion in additional FY2010 appropriations to resolve the claims. We are working within the Administration and with Congress to find the appropriate legislative vehicle for funding this settlement.
8. **Tribal Law and Order.** Senator Dorgan continues seek unanimous consent for Senate approval of the Tribal Law and Order Act.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 19, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 23, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Civil Rights Division oversight.** On Tuesday, April 20, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Assistant Attorney General for the Civil Rights Division Thomas Perez will testify before the Senate Judiciary Committee at a hearing entitled, "Oversight of the U.S. Department of Justice Civil Rights Division."
2. **Border security.** On Tuesday, April 20, at 11:00 a.m. in Room 342 of the Dirksen Senate Office Building, United States Attorney for the District of Arizona Dennis Burke will testify before the Senate Homeland Security and Governmental Affairs Committee at a hearing entitled, "Border Security: Moving Beyond the Virtual Fence." Alan Bersin, Commissioner of U.S. Customs and Border Protection, will also testify.
3. **ADA and the Internet.** On Thursday, April 22, at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, Deputy Assistant Attorney General for the Civil Rights Division Sam Bagenstos will testify before the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights and Civil Liberties at a hearing entitled, "Achieving the Promise of

the Americans with Disabilities Act in the Digital Age – Current Issues, Challenges, and Opportunities.”

B. Pending Nominations

1. **AAG nominees.** The following Assistant Attorney General nominees are pending on the Senate Executive Calendar: Christopher Schroeder (OLP), and Mary Smith (Tax). Cloture was filed on the nomination of Christopher Schroeder on April 15, but the cloture vote has not yet been scheduled.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Thomas Vanaskie, Third Circuit; Denny Chin, Second Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Pearson, ND OH; Denzil Marshall, Jr., ED AR; Timothy Black, SD OH; Gloria Navarro, NV; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; Jane Magnus-Stinson, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; Josephine Tucker, SD CA; William Martinez, D CO; Gary Feinerman, ND IL; and Sharon Coleman, ND IL. The Senate Judiciary Committee held a hearing on April 16 on the nominations of Goodwin Liu, Ninth Circuit; Kimberly Mueller, ED CA; Richard Gergel, SC; J. Michelle Childs, SC; and Catherine Eagles, MD NC. Cloture has been filed on the Vanaskie and Chin nominations. The Senate Judiciary Committee has scheduled a hearing on the following nominations on April 22:
3. **U.S. Attorney nominees.** The nominations of William Nettles, SC; Wifredo Ferrer, SD FL; David Capp, ND IN; Anne Tompkins, WD NC; and Loretta Lynch, ED NY. The nominations of David Hale, WD KY; Kerry Harvey, ED KY; Kenneth Gonzalez, NM; and Alicia Limtiaco, Guam, are on the Senate Judiciary Committee business meeting agenda for April 22.
4. **Other nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ; Peter Munoz, USM WD MI; Kelly Nesbit, USM WD NC; Noel March, USM ME; George White, USM SD MS; and Brian Underwood, USM ID.

C. Markups

1. **Senate Judiciary Committee.** On Thursday, April 22, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1684, the Managing Arson Through Criminal History (MATCH) Act, which would establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries. Additionally, it would require the Attorney General to establish a national criminal arsonist and criminal bomber registry program. The committee is also scheduled to

mark up S. 1346, the Crimes Against Humanity Act, which would establish U. S. jurisdiction over crimes against humanity that are not currently punishable under U. S. law.

Other bills on the markup calendar include: S. 657, the Sunshine in the Courtroom Act; S. 446, which would authorize federal judges to permit public broadcasts of court proceedings; and S. Res. 339, a resolution expressing the sense of the Senate in support of televised Supreme Court proceedings.

D. Briefings

1. **Detainee review.** On Tuesday, April 20 at 2:30 p.m., the Guantanamo Review Task Force, led by Matthew Olsen, Executive Director, will brief Members of the Senate Select Committee on Intelligence on the Intelligence Community's role in the detainee review process. The Task Force will also brief Members of the House Permanent Select Committee on Intelligence Committee and the House Armed Services Committee on April 22 at 9:00 a.m. and 11:30 a.m., respectively. The latter briefings will focus on the detainee review process as well as the repatriation and resettlement of detainees. Other interagency briefers for these briefings will include: Ambassador Dan Fried for the Department of State; Alan Liotta, DOD's Principal Director for Detainee Affairs; Michael Koscheski of the Joint Chiefs of Staff; David Shedd, ODNI's Deputy Director of National Intelligence for Policy, Plans, and Requirements; and Andrew Gordon, Counselor to the General Counsel at DHS.
2. **Implementation of DNA arrestee regulations.** On Thursday, April 22, the Department will brief members of Ranking Member Sessions' Judiciary Committee staff on the Department's implementation of arrestee regulations put in place in 2008 which require Federal law enforcement officers to collect DNA samples from arrestees.
3. **JJDPA Reauthorization Act.** On Friday, April 23, the Department will brief members of Sen. Feingold's Judiciary Committee staff regarding the Department's comments on the senator's amendment to S. 678, the Juvenile Justice Delinquency Prevention Reauthorization Act.

E. Floor Action

1. **Nominations.** Cloture petitions have been filed on several nominations, including the nomination of Christopher Schroeder to be Assistant Attorney General for the Office of Legal Policy; Marisa J. Demeo to the Superior Court of the District of Columbia; Thomas I. Venaskie to the Third Circuit; and Denny Chin to the Second Circuit. Senate floor debate and votes on these nominations may take place this week.

F. Looking Ahead

1. **Department of Justice oversight.** The Attorney General will testify before the Senate Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies on Thursday, April 29, and before the House Judiciary Committee on Thursday, May 13.
2. **Intelligence Authorization.** The House and Senate Intelligence Committees are continuing negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, and a final vote on the conference report is expected soon. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. It is our understanding that the Department's most serious concerns with the legislation have been favorably resolved, but we are continuing to work with ODNI to address remaining issues.
3. **Electronic Communications Privacy Act.** An internal working group is developing departmental views on proposals by privacy advocates and telecommunications providers to reform and update the Electronic Communications Privacy Act (ECPA). The Senate Judiciary Committee is tentatively planning to hold a hearing on these proposals in late May, and we anticipate that the Department will be asked to brief the Committee in advance of the hearing and to provide a witness.
4. **Cobell Settlement Implementation.** In December 2009, the Administration announced a settlement in the *Cobell v. Salazar* class action lawsuit. It provides \$1.412 billion to compensate class members for historical accounting claims and to resolve potential claims of trust mismanagement. In addition, it provides \$2 billion for the purchase of fractionated land interests held by individual Indians. Up to \$60 million of the \$2 billion may be contributed to a scholarship fund for the benefit of American Indians and Alaska Natives. The deadline for enactment of legislation to implement the settlement agreement has been extended a third time, to May 29, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior and others within the Administration toward enactment of the required legislation.
5. **Black Farmers (Pigford II) Settlement Implementation.** On February 18, 2010, the parties signed a settlement agreement in *In re Black Farmers Discrimination Litigation* (Pigford II). The Pigford II settlement is designed to resolve fully and forever all remaining claims from the original Pigford litigation and adjudicate thousands of late-filed claims of black farmers who allege that the USDA discriminated against them in credit and non-credit programs. In addition to the \$100 million Congress provided in the 2008 Farm Bill, the President has requested \$1.15 billion in additional FY2010 appropriations to resolve the claims. We are working within the Administration and with Congress to find the appropriate legislative vehicle for funding this settlement.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 26, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 30, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Fair Lending.** On Thursday, April 29 at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, Assistant Attorney General for the Civil Rights Division Tom Perez will testify before the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties at a hearing entitled, "Protecting the American Dream Part II: Combating Predatory Lending Under the Fair Housing Act."

B. Other hearings of interest to the Department

1. **Legal Services.** On Tuesday, April 27, at 11:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee's Subcommittee on Commercial and Administrative Law will hold a hearing entitled, "H.R. 3764, the Civil Access to Justice Act of 2009." The first panel will include Representative Bobby Scott (D-VA) and Senator Tom Harkin (D-IA). The second panel will include John Levi, Chairman of the Legal Services Corporation; Jeffrey Schanz, Inspector General of the Legal Services Corporation; Kenneth

Boehm, Chairman of the National Legal and Policy Center; and Rebekah Diller, Deputy Director of the Justice Program at the Brennan Center for Justice at NYU School of Law.

2. **Financial Crisis.** On Tuesday, April 27 at 11:00 a.m. in Room 106 of the Dirksen Senate Office Building, the Senate Homeland Security and Government Affairs Committee's Permanent Subcommittee on Investigations will hold a hearing entitled, "Wall Street and the Financial Crisis: The Role of Investment Banks." The hearing will be the fourth in a series of Subcommittee hearings examining the causes and consequences of the recent financial crisis. It will focus on the role of investment banks in the securitization of residential mortgage related products, and the development, marketing, and trading of residential mortgage related structured financial products such as collateralized debt obligations (CDOs) and credit default swaps (CDS). The hearing will also review certain investment and trading activities of investment banks that involve residential mortgage based securities and related products. There will be seven witnesses who work or previously worked for the Goldman Sachs Group, Inc.

C. **Pending Nominations**

1. **AAG nominees.** The nomination of Mary Smith to serve as Assistant Attorney General for the Tax Division is pending on the Senate Executive Calendar. Christopher Schroeder, AAG for OLP, was confirmed on April 21 by a vote of 72-24.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Pearson, ND OH; Denzil Marshall, Jr., ED AR; Timothy Black, SD OH; Gloria Navarro, NV; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; Jane Magnus-Stinson, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; Josephine Tucker, SD CA; William Martinez, D CO; Gary Feinerman, ND IL; and Sharon Coleman, ND IL. We anticipate a Senate Judiciary Committee hearing on the following nominations on April 28: Robert Chatigny, Second Circuit; John Gibney, Jr., ED VA; and possibly Amy Totenberg, ND GA. Thomas Vanaskie, Third Circuit, and Denny Chin, Second Circuit, were confirmed on April 21 and April 22, respectively. The following nominees are on the Senate Judiciary Committee markup agenda for April 29: Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; and Catherine Eagles, MD NC.
3. **U.S. Attorney nominees.** The following nominations were confirmed on April 22: William Nettles, SC; Wifredo Ferrer, SD FL; David Capp, ND IN; Anne Tompkins, WD NC; and Loretta Lynch, ED NY. The nominations of David Hale, WD KY; Kerry Harvey, ED KY; Kenneth Gonzalez, NM; and Alicia Limtiaco, Guam, are pending on the Senate Executive Calendar. The nomination of David Fein, CT, is on the Senate Judiciary Committee business meeting agenda for April 29.

4. **Other nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; and John Laub, NIJ. The following U.S. Marshal nominations were confirmed on April 22: Peter Munoz, USM WD MI; Kelly Nesbit, USM WD NC; Noel March, USM ME; George White, USM SD MS; and Brian Underwood, USM ID. The nominations of Paul Ward, USM ND, and Clifton Massanelli, USM ED AR, are on the Senate Judiciary Committee business meeting agenda for April 29.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, April 29, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1684, the Managing Arson Through Criminal History (MATCH) Act, which would establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries. Additionally, it would require the Attorney General to establish a national criminal arsonist and criminal bomber registry program. The Department has conveyed concerns about this bill.

The committee is also scheduled to mark up S. 1346, the Crimes Against Humanity Act, which would establish U. S. jurisdiction over crimes against humanity that are not currently punishable under U. S. law. Other bills on the markup calendar include: S. 657, the Sunshine in the Courtroom Act; S. 446, which would authorize federal judges to permit public broadcasts of court proceedings; and S. Res. 339, a resolution expressing the sense of the Senate in support of televised Supreme Court proceedings.

E. Floor Action

1. **Financial Regulation.** The Senate will take up legislation on financial regulatory reform if the Senate invokes cloture on the motion to proceed. An initial cloture vote failed.

F. Looking Ahead

1. **Department of Justice oversight.** The Attorney General will testify at oversight hearings before the Senate Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies on Thursday, May 6, and before the House Judiciary Committee on Thursday, May 13.
2. **Terrorist Access to Firearms and Explosives.** The Senate Homeland Security and Governmental Affairs Committee is tentatively planning a hearing for Wednesday, May 5 on the ability of known or suspected terrorists to obtain access to firearms and explosives. We anticipate that the Department will be asked to provide a witness.
3. **Violence Against Women Act Reauthorization.** The Senate Judiciary Committee is planning a hearing for Wednesday, May 5 on reauthorization of the Violence Against

Women Act. Susan Carbon, director of the Office of Violence Against Women, will testify on behalf of the Department.

4. **Detainee Review Process.** Matthew Olsen, Associate Deputy Attorney General and Executive Director of the Guantanamo Review Task Force, will meet with Representative Adam Schiff, a member of the House Permanent Select Committee on Intelligence, to discuss the detainee review process on Wednesday, May 5.
5. **Intelligence Authorization.** The House and Senate Intelligence Committees are continuing negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, and a final vote on the conference report is expected soon. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. It is our understanding that the Department's most serious concerns with the legislation have been favorably resolved, but we are continuing to work with ODNI to address remaining issues.
6. **Electronic Communications Privacy Act.** An internal working group is developing departmental views on proposals by privacy advocates and telecommunications providers to reform and update the Electronic Communications Privacy Act (ECPA). The Senate Judiciary Committee is tentatively planning to hold a hearing on these proposals on May 26, and we anticipate that the Department will be asked to brief the Committee in advance of the hearing and to provide a witness.
7. **Cobell Settlement Implementation.** In December 2009, the Administration announced a settlement in the *Cobell v. Salazar* class action lawsuit. It provides \$1.412 billion to compensate class members for historical accounting claims and to resolve potential claims of trust mismanagement. In addition, it provides \$2 billion for the purchase of fractionated land interests held by individual Indians. Up to \$60 million of the \$2 billion may be contributed to a scholarship fund for the benefit of American Indians and Alaska Natives. The deadline for enactment of legislation to implement the settlement agreement has been extended a third time, to May 29, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior and others within the Administration toward enactment of the required legislation.
8. **Black Farmers (Pigford II) Settlement Implementation.** On February 18, 2010, the parties signed a settlement agreement in *In re Black Farmers Discrimination Litigation* (Pigford II). The Pigford II settlement is designed to resolve fully and forever all remaining claims from the original Pigford litigation and adjudicate thousands of late-filed claims of black farmers who allege that the USDA discriminated against them in credit and non-credit programs. In addition to the \$100 million Congress provided in the 2008 Farm Bill, the President has requested \$1.15 billion in additional FY2010 appropriations to resolve the claims. We are working within the Administration and with Congress to find the appropriate legislative vehicle for funding this settlement.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 3, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 30, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Department of Justice Oversight.** On Thursday, May 6, at 10:00 a.m. in Room ____ of the ____ Senate Office Building, Attorney General Eric Holder will testify before the Senate Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies a hearing entitled, "Oversight of the U.S. Department of Justice."

B. Other hearings of interest to the Department

- 1.

C. Pending Nominations

1. **AAG nominees.** The nomination of Mary Smith to serve as Assistant Attorney General for the Tax Division is pending on the Senate Executive Calendar. Christopher Schroeder, AAG for OLP, was confirmed on April 21 by a vote of 72-24.

2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Nancy Freudenthal, WY; Denita Pearson, ND OH; Denzil Marshall, Jr., ED AR; Timothy Black, SD OH; Gloria Navarro, NV; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; Jane Magnus-Stinson, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; Josephine Tucker, SD CA; William Martinez, D CO; Gary Feinerman, ND IL; and Sharon Coleman, ND IL. We anticipate a Senate Judiciary Committee hearing on the following nominations on April 28: Robert Chatigny, Second Circuit; John Gibney, Jr., ED VA; and possibly Amy Totenberg, ND GA. Thomas Vanaskie, Third Circuit, and Denny Chin, Second Circuit, were confirmed on April 21 and April 22, respectively. The following nominees are on the Senate Judiciary Committee markup agenda for April 29: Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; and Catherine Eagles, MD NC.
3. **U.S. Attorney nominees.** The following nominations were confirmed on April 22: William Nettles, SC; Wifredo Ferrer, SD FL; David Capp, ND IN; Anne Tompkins, WD NC; and Loretta Lynch, ED NY. The nominations of David Hale, WD KY; Kerry Harvey, ED KY; Kenneth Gonzalez, NM; and Alicia Limtiaco, Guam, are pending on the Senate Executive Calendar. The nomination of David Fein, CT, is on the Senate Judiciary Committee business meeting agenda for April 29.
4. **Other nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; and John Laub, NIJ. The following U.S. Marshal nominations were confirmed on April 22: Peter Munoz, USM WD MI; Kelly Nesbit, USM WD NC; Noel March, USM ME; George White, USM SD MS; and Brian Underwood, USM ID. The nominations of Paul Ward, USM ND, and Clifton Massanelli, USM ED AR, are on the Senate Judiciary Committee business meeting agenda for April 29.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, April 29, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1684, the Managing Arson Through Criminal History (MATCH) Act, which would establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries. Additionally, it would require the Attorney General to establish a national criminal arsonist and criminal bomber registry program. The Department has conveyed concerns about this bill.

The committee is also scheduled to mark up S. 1346, the Crimes Against Humanity Act, which would establish U. S. jurisdiction over crimes against humanity that are not currently punishable under U. S. law. Other bills on the markup calendar include: S. 657, the Sunshine in the Courtroom Act; S. 446, which would authorize federal judges to permit public

broadcasts of court proceedings; and S. Res. 339, a resolution expressing the sense of the Senate in support of televised Supreme Court proceedings.

E. Floor Action

1. **Financial Regulation.** The Senate will take up legislation on financial regulatory reform if the Senate invokes cloture on the motion to proceed. An initial cloture vote failed.

F. Looking Ahead

1. **Department of Justice oversight.** The Attorney General will testify at oversight hearings before the Senate Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies on Thursday, May 6, and before the House Judiciary Committee on Thursday, May 13.
2. **Terrorist Access to Firearms and Explosives.** The Senate Homeland Security and Governmental Affairs Committee is tentatively planning a hearing for Wednesday, May 5 on the ability of known or suspected terrorists to obtain access to firearms and explosives. We anticipate that the Department will be asked to provide a witness.
3. **Violence Against Women Act Reauthorization.** The Senate Judiciary Committee is planning a hearing for Wednesday, May 5 on reauthorization of the Violence Against Women Act. Susan Carbon, director of the Office of Violence Against Women, will testify on behalf of the Department.
4. **Detainee Review Process.** Matthew Olsen, Associate Deputy Attorney General and Executive Director of the Guantanamo Review Task Force, will meet with Representative Adam Schiff, a member of the House Permanent Select Committee on Intelligence, to discuss the detainee review process on Wednesday, May 5.
5. **Intelligence Authorization.** The House and Senate Intelligence Committees are continuing negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, and a final vote on the conference report is expected soon. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. It is our understanding that the Department's most serious concerns with the legislation have been favorably resolved, but we are continuing to work with ODNI to address remaining issues.
6. **Electronic Communications Privacy Act.** An internal working group is developing departmental views on proposals by privacy advocates and telecommunications providers to reform and update the Electronic Communications Privacy Act (ECPA). The Senate Judiciary Committee is tentatively planning to hold a hearing on these proposals on May 26, and we anticipate that the Department will be asked to brief the Committee in advance of the hearing and to provide a witness.

7. **Cobell Settlement Implementation.** In December 2009, the Administration announced a settlement in the *Cobell v. Salazar* class action lawsuit. It provides \$1.412 billion to compensate class members for historical accounting claims and to resolve potential claims of trust mismanagement. In addition, it provides \$2 billion for the purchase of fractionated land interests held by individual Indians. Up to \$60 million of the \$2 billion may be contributed to a scholarship fund for the benefit of American Indians and Alaska Natives. The deadline for enactment of legislation to implement the settlement agreement has been extended a third time, to May 29, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior and others within the Administration toward enactment of the required legislation.
8. **Black Farmers (Pigford II) Settlement Implementation.** On February 18, 2010, the parties signed a settlement agreement in *In re Black Farmers Discrimination Litigation* (Pigford II). The Pigford II settlement is designed to resolve fully and forever all remaining claims from the original Pigford litigation and adjudicate thousands of late-filed claims of black farmers who allege that the USDA discriminated against them in credit and non-credit programs. In addition to the \$100 million Congress provided in the 2008 Farm Bill, the President has requested \$1.15 billion in additional FY2010 appropriations to resolve the claims. We are working within the Administration and with Congress to find the appropriate legislative vehicle for funding this settlement.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 10, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 14, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Department Oversight.** On Thursday, May 12 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Attorney General Eric H. Holder, Jr. will testify at an oversight hearing before the House Judiciary Committee.

B. Other hearings of interest to the Department

1. **Criminal Justice.** On Tuesday, May 11 at 4:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security will hold a hearing on H.R. 4080, the "Criminal Justice Reinvestment Act of 2009" and H.R. 4055, the "Honest Opportunity Probation with Enforcement (HOPE) Initiative Act of 2009."
2. **Campaign Spending.** On Tuesday, May 11, at 5:00 p.m. in Room 1310 of the Longworth House Office Building, the Committee on House Administration will hold a hearing entitled,

“Additional Discussion of H.R. 5175, the DISCLOSE ACT, Democracy is Strengthened by Casting Light on Spending in Elections.” Witnesses include Trevor Potter, President and General Counsel for the Campaign Legal Center; John Coates, a professor of Law and Economics at Harvard Law School; Elizabeth Lynch, an attorney at China Law & Policy; Michael Toner, a partner at Bryan Cave, LLP; and William McGinley, an attorney at Patton Boggs, LLP.

3. **Espionage Statutes.** On Wednesday, May 12, at 10:00 a.m in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee’s Subcommittee on Terrorism and Homeland Security will hold a hearing entitled, “The Espionage Statutes: A Look Back and A Look Forward.” Witnesses include Stephen Vladeck, a Professor at American University Washington College of Law; Jeffrey Smith, a Partner at Arnold and Porter; and Kenneth Wainstein, a Partner at O'Melveny and Myers. There will be no government witness.

C. **Pending Nominations**

1. **AAG nominees.** The nomination of Mary Smith to serve as Assistant Attorney General for the Tax Division is pending on the Senate Executive Calendar.
2. **Judicial nominees.** On May 10, the President nominated Solicitor General Elena Kagan to be an Associate Justice of the Supreme Court of the United States. The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Strach, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; Timothy Black, SD OH; Jon DeGuilio, ND IN; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; Jane Magnus-Stinson, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; Josephine Tucker, SD CA; William Martinez, D CO; Gary Feinerman, ND IL; Sharon Coleman, ND IL; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; and Catherine Eagles, MD NC. Confirmed by the full Senate on May 5 were: Nancy Freudenthal, WY; Denzil Marshall, Jr., ED AR; and Gloria Navarro, NV. The following nominees were held over at the Senate Judiciary Committee markup on May 6 and are on the agenda for May 13: Goodwin Liu, Ninth Circuit; Ray Lohier, Second Circuit; and Leonard Stark, D DE. The nomination of John Gibney, Jr., ED VA, is also on the May 13 markup agenda. The following judicial nominees have been scheduled for a hearing on May 13: Scott M. Matheson, Jr., Tenth Circuit; John J. McConnell, Jr., D RI; James K. Bredar, D MD; Ellen L. Hollander, D MD; and Susan R. Nelson, MN. .
3. **U.S. Attorney nominees.** The following nominees were confirmed on May 5: David Fein, CT, and Zane David Memeger, ED PA. The nomination of Jerry Martin, MD TN, is pending on the Senate Executive Calendar. The nomination of Robert Booth Goodwin, II, SD WVA is on the Senate Judiciary business meeting agenda for May 13.
4. **Other nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; and John Laub, NIJ. The nominations of Paul Ward, USM ND, and

Clifton Massanelli, USM ED AR, were confirmed on May 5. The following nominations are pending on the Senate Executive Calendar: Parker Loren Carl, USM ED KY; Gerald Holt, USM WD VA; and Robert Almonte, USM WD TX. On the Senate Judiciary Committee markup agenda for May 13 are: Kerry Forestal, USM SD IN; John Foster, USM SD WV; Gary Gaskins, USM ND WV; and Dallas Neville, USM WD WI.

D. Briefings and Other Events

1. **Times Square Incident.** On Tuesday, May 11, there will be a classified interagency briefing on matters related to the Times Square incident by John Pistole, Deputy Director, Federal Bureau of Investigation; Michael Leiter, Director, National Counterterrorism Center; and Rand Beers, Under Secretary for the National Protection and Programs Directorate, Department of Homeland Security. The briefing will be provided to Senate Leadership and Members of the following Senate Committees: Judiciary; Intelligence; Homeland Security and Governmental Affairs; Commerce, Science and Transportation; and the Appropriations Subcommittees on Commerce, Justice, Science and Related Agencies; Defense; and Homeland Security. A separate briefing will be provided to Members of the Senate Select Committee on Intelligence. Similar briefings were provided to the House of Representatives on May 6, 2010.

E. Floor Action

1. The Senate is continuing debate on S. 3217, the Restoring American Financial Stability Act of 2010.

F. Looking Ahead

1. **Intelligence Authorization.** The House and Senate Intelligence Committees are continuing negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, and a final vote on the conference report is expected soon. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. Although the Department's most serious concerns with the legislation have been favorably resolved, we are continuing to work with ODNI to address significant concerns regarding provisions that would require reports related to the threat posed by the transfers of Guantanamo detainees.
2. **The HIG (High Value Detainee Interrogation Group).** On a date to be determined, the HIG, headed by Director Andy McCabe of the FBI, along with HIG deputies who represent other agencies, will provide classified briefings to House and Senate leadership, Intelligence, Judiciary, Armed Services, Foreign Relations, Homeland Security, and Appropriations staff about the HIG mission and classified charter. The HIG was created pursuant to a recommendation of the Interrogation and Transfer Policy Task Force and is designed to bring together the most experienced interrogators from across the Intelligence Community, the

Department of Defense, and law enforcement, to conduct interrogations of high-value detainees.

3. **Cobell Settlement Implementation.** In December 2009, the Administration announced a settlement in the *Cobell v. Salazar* class action lawsuit. It provides \$1.412 billion to compensate class members for historical accounting claims and to resolve potential claims of trust mismanagement. In addition, it provides \$2 billion for the purchase of fractionated land interests held by individual Indians. Up to \$60 million of the \$2 billion may be contributed to a scholarship fund for the benefit of American Indians and Alaska Natives. The deadline for enactment of legislation to implement the settlement agreement has been extended a third time, to May 29, 2010, by agreement of the parties. The Department is working closely with the Department of the Interior and others within the Administration toward enactment of the required legislation.
4. **Black Farmers (Pigford II) Settlement Implementation.** On February 18, 2010, the parties signed a settlement agreement in *In re Black Farmers Discrimination Litigation* (Pigford II). The Pigford II settlement is designed to resolve fully and forever all remaining claims from the original Pigford litigation and adjudicate thousands of late-filed claims of black farmers who allege that the USDA discriminated against them in credit and non-credit programs. In addition to the \$100 million Congress provided in the 2008 Farm Bill, the President has requested \$1.15 billion in additional FY2010 appropriations to resolve the claims. We are working within the Administration and with Congress to find the appropriate legislative vehicle for funding this settlement.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 17, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 21, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **International Drug Enforcement.** On Tuesday, May 18 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Lanny Breuer, Assistant Attorney General for the Criminal Division, will testify before the Senate Judiciary Committee's Subcommittee on Human Rights at a hearing entitled, "Drug Enforcement and the Rule of Law: Mexico and Colombia." The other government witness is David Johnson, Assistant Secretary for the Bureau of International Narcotics and Law Enforcement Affairs at the State Department.
2. **Virgin Islands Constitution.** On Wednesday, May 19, at 9:30 a.m. in Room 336 of the Dirksen Senate Office Building, Jonathan Cedarbaum, Deputy Assistant Attorney General for the Office of Legal Counsel, will testify before the Senate Committee on Energy and Natural Resources at a hearing on the proposed Constitution of the Virgin Islands. The hearing also will consider several pieces of legislation: S. 2941, the Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2010; H.R. 3940, on grants and other assistance to facilitate education programs in non-self-governing U.S. territories; and H.R. 2499, the Puerto Rico Democracy Act of 2010. Other witnesses are Luis Fortuno, Governor of the

Commonwealth of Puerto Rico; Héctor Ferrer Ríos, President of the Popular Democratic Party; and Rubén Ángel Berríos Martínez, President of the Puerto Rican Independence Party; Donna Christensen, Delegate from the U.S. Virgin Islands; John Silk, Minister of Foreign Affairs for the Republic of the Marshall Islands; Anthony Babauta, Assistant Secretary of the Interior for Insular Areas; and Gerald Luz James II, President of the Fifth Constitutional Convention of the Virgin Islands.

3. **Rape-Kit Backlog.** On Thursday, May 20, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, FBI Assistant Director Christian Hassell will testify before the House Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security at a hearing on the Rape-Kit Backlog. Other witnesses include Mariska Hargitay, an actress (Law and Order Special Victims Unit), who will testify about her foundation's work on behalf of sexual assault survivors.

B. Other hearings of interest to the Department

1. **Gulf Coast Oil Spill.** There are several hearings this week on the Gulf Coast oil spill. On Monday, May 17 at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Government Affairs Committee will hold a hearing entitled, "Gulf Coast Catastrophe: Assessing The Nation's Response to The Deepwater Horizon Oil Spill." Witnesses include Janet Napolitano, Secretary of the Department of Homeland Security; Rear Admiral Peter Neffenger, Deputy National Incident Commander of the U.S. Coast Guard; and Lamar McKay, Chairman and President of BP America, Inc.

On Tuesday, May 18 at 11:00 a.m. in Room 366 of the Dirksen Senate Office Building, the Senate Energy and Natural Resources Committee will hold a hearing on current issues related to offshore oil and gas development. Secretary of the Interior Ken Salazar is scheduled to testify.

Also on May 18, at 2:30 p.m. in Room 253 of the Russell Senate Office Building, the Senate Commerce, Science and Transportation Committee will hold a hearing on the response efforts to the Gulf Coast oil spill. National Oceanic and Atmospheric Administration (NOAA) Administrator Jane Lubchenco and Commandant of the U.S. Coast Guard Thad Allen are scheduled to testify.

Another hearing will be held on May 18, at 2:30 p.m. in Room 406 of the Dirksen Senate Office Building, by the Senate Environment and Public Works Committee. The scheduled witnesses are: Lisa Jackson, U.S. Environmental Protection Agency (EPA) Administrator; Nancy Sutley, Chair of the White House Council on Environmental Quality; Ken Salazar, Secretary of the Interior; Rear Admiral Peter Neffenger, Deputy National Incident Commander of the U.S. Coast Guard; John Fernandez, Assistant Secretary of Commerce for Economic Development; and Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works.

Two additional hearings on the oil spill will take place on May 19. At 10:00 a.m. in Room 2167 of the Rayburn House Office Building, the House Transportation and Infrastructure Committee will hold a hearing entitled, “Deepwater Horizon: Oil Spill Prevention and Response Measures, and Natural Resource Impacts.” At 11:00 a.m. in Room 428A of the Russell Senate Office Building, the Senate Small Business and Entrepreneurship Committee will hold a hearing entitled “The SBA Disaster Assistance Program and the Impact of the Deepwater Horizon Oil Spill on Small Businesses.”

2. **Racial Profiling.** On Wednesday, May 19, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee’s Subcommittee on the Constitution, Civil Rights, and Civil Liberties will hold a hearing entitled, “Racial Profiling and the Use of Suspect Classifications in Law Enforcement Policy.”

C. **Pending Nominations**

1. **AAG nominees.** The nomination of Mary Smith to serve as Assistant Attorney General for the Tax Division is pending on the Senate Executive Calendar.
2. **Judicial nominees.** On May 10, the President nominated Solicitor General Elena Kagan to be an Associate Justice of the Supreme Court of the United States.

The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate’s Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; Jane Magnus-Stinson, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; Josephine Tucker, SD CA; William Martinez, D CO; Gary Feinerman, ND IL; Sharon Coleman, ND IL; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; and Leonard Stark, D DE. The nomination of Goodwin Liu for the Ninth Circuit was approved by the Senate Judiciary Committee on May 13 by a vote of 12-7 and is now on the Executive Calendar as well.

The following judicial nominees had a hearing on May 13: Scott Matheson, Jr., Tenth Circuit; John McConnell, Jr., D RI; James Bredar, D MD; Ellen Hollander, D MD; and Susan Nelson, MN. We anticipate receiving written questions for the record for these nominees this week. The nominations of Robert Chatigny, Second Circuit, and John Gibney, Jr., ED VA, are on the May 20 Senate Judiciary Committee markup agenda.

The nominations of Timothy Black, SD OH, and Jon DeGuilio, ND IN, were confirmed on May 11.

3. **U.S. Attorney nominees.** The following nominee was confirmed on May 12: Jerry Martin, MD TN. The nomination of Stephanie Finley, WD LA, is on the May 20 Senate Judiciary

Committee markup agenda. The nomination of Robert Booth Goodwin, II, SD WVA, is pending on the Senate Executive Calendar.

4. **Other nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ; Kerry Forestal, USM SD IN; John Foster, USM SD WV; Gary Gaskins, USM ND WV; and Dallas Neville, USM WD WI. The following nominations were confirmed on May 12: Parker Loren Carl, USM ED KY; Gerald Holt, USM WD VA; and Robert Almonte, USM WD TX. The nominations of Scott Parker, ED NC, and Daryl McPherson, ND IL, are on the Senate Judiciary Committee markup agenda for May 20.

D. Markup

1. **Senate Judiciary Committee.** On Thursday, May 20, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 193, a bill that would extend some temporary judgeships and add one additional district judge for the Eastern District of California and for the District of Nebraska.

The committee is also scheduled to mark up H.R. 4506, the Bankruptcy Judgeship Act of 2010 and H.R. 1933, the A Child Is Missing Alert and Recovery Act.

E. Briefings and Other Events

1. **Gulf Coast Oil Spill.** On Tuesday, May 18 at 2 p.m., representatives of the Environment and Natural Resources Division, the Civil Division, and JMD will participate in an interagency briefing of House leadership and committee staff on legislative proposals to address the oil spill.
1. **High Value Detainee Interrogation Group (HIG).** On Tuesday, May 18, HIG Director Andrew G. McCabe of the FBI will provide classified briefings to House and Senate leadership and Intelligence, Judiciary, Armed Services, Foreign Relations/Foreign Affairs, Homeland Security, and Appropriations staff regarding the HIG mission and classified charter. The House briefing will take place at 3:30 P.M. in the House Visitors Center, Room 304; the Senate briefing will take place at 5:00 P.M. in the Senate Visitors Center, Room 217. The HIG was created pursuant to a recommendation of the Interrogation and Transfer Policy Task Force and is designed to bring together the most experienced interrogators from across the Intelligence Community, the Department of Defense, and law enforcement, to conduct interrogations of high-value detainees.
2. **Classified Information Sharing.** On Wednesday, May 19, at 2 p.m., AAG David Kris of the National Security Division, accompanied by NSA Deputy Director Chris Inglis and ODNI General Counsel Bob Litt, will brief Senators Chambliss, Kyl, and Collins, and Congressman Thornberry, regarding the sharing of certain classified information with our foreign partners.

F. Floor Action

1. The Senate is continuing debate on S. 3217, the Restoring American Financial Stability Act of 2010.
2. The House is expected to consider a version of H.R. 4213, a bill to revive and extend tax breaks and other programs. This legislation may include funds to cover the settlement of *Cobell v. Salazar* and *In re Black Farmers Discrimination Litigation* (Pigford II). The deadline for enactment of implementing legislation for the *Cobell* settlement is May 29.

G. Looking Ahead

2. **Intelligence Authorization.** The House and Senate Intelligence Committees are continuing negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, and a final vote on the conference report is expected soon. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. Although the Department's most serious concerns with the legislation have been favorably resolved, we are continuing to work with ODNI to address significant concerns regarding provisions that would require reports related to the threat posed by the transfers of Guantanamo detainees.

3.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 24, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 28, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Liability Issues Related to the Gulf Coast Oil Spill.** On Tuesday, May 25 at 10:00 a.m. in Room 304 of the Dirksen Senate Office Building, Thomas Perrelli, Associate Attorney General, will testify before the Senate Energy and Natural Resources Committee on "Liability and Financial Responsibility Issues Related to Offshore Oil Production, including the Gulf accident" at the full committee hearing. Other witnesses will include David Hayes, Deputy Secretary of the Interior and Craig Bennett, Director of the National Pollution Fund Center, U.S. Coast Guard. Non-government witnesses include experts in environmental policy, liability law and financing risk.
2. **Removal Clarification Act of 2010.** On Tuesday, May 25, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, Beth Brinkmann, Deputy Assistant Attorney General for the Civil Division, will testify before the House Judiciary Subcommittee on Courts and Competition Policy at a hearing on H.R. 5281 "Removal Clarification Act of 2010."

B. Other hearings of interest to the Department

1. **Afghanistan and Pakistan.** On Thursday, May 27, at 2:30 p.m. in Room 219 of the Hart Senate Office Building, the Office of Director of National Intelligence will testify and a DEA witness will backbench.
2. **Gulf Coast Oil Spill.** On May 26 and 27, the House Natural Resources Committee will hold hearings entitled “Outer Continental Shelf Oil and Gas Strategy and Implications of the Deepwater Horizon Rig Explosion.” Federal witnesses on May 26 include Secretary of the Interior Ken Salazar; Rear Admiral and Deputy National Incident Commander for the Oil Spill Response Peter V. Neffenger; NOAA Administrator Jane Lubchenco; and Interior Department Director of Minerals Management Service Elizabeth Birnbaum. The witnesses on May 27 include BP Chairman and President Lamar McKay and Transocean President and CEO Steven L. Newman.

The following hearings will also be held on Thursday, May 27:

At 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled, “Liability Issues Surrounding the Gulf Oil Disaster.”

At 10:00 a.m. in Room 2359 of the Rayburn House Office Building, the Interior, Environment and Related Agencies Subcommittee of the House Appropriations Committee will hold a hearing entitled “BP-Transocean Deepwater Horizon Oil Disaster: Ongoing Response and Environmental Impacts.” Witnesses include Secretary of the Interior Ken Salazar; Director of the Minerals Management Service Liz Birnbaum; EPA Deputy Administrator Bob Perciasepe; Assistant Secretary of the Interior for Fish, Wildlife and Parks Tom Strickland; and U.S. Geological Survey Director Marcia McNutt.

At 2:00 p.m. in Room 2123 of the Rayburn House Office Building, the Energy and Environment Subcommittee of the House Energy and Commerce Committee will hold a hearing entitled “Combating the BP Oil Spill.”

At a time to be announced in Room 428-A of the Russell Senate Office Building, Senate Small Business and Entrepreneurship Committee will hold a hearing on the Small Business Administration Disaster Assistance Program and the impact of the Deepwater Horizon oil spill on small businesses.

3. **Crush Video Statute.** On Wednesday, May 26, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee’s Subcommittee on Crime, Terrorism, and Homeland Security will hold a hearing entitled, “United States v. Stevens: The Supreme Court’s Decision Invalidating the Crush Video Statute.”
4. **United/Continental Airlines Merger.** On Thursday, May 27 at 2:15 p.m. in Room 226 of the Dirksen Senate Office Building, the Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a hearing entitled, “The United/Continental Airlines Merger:

How Will Consumers Fare?” The scheduled witnesses are: Glenn Tilton, Chairman, President and Chief Executive Officer of United Airlines; Jeffery Smisek, Chairman, President and Chief Executive Officer of Continental Airlines; Darren Bush, Associate Professor of Law at University Houston Law Center; Bill McGee, Consultant at Consumers Union.

5. **Line-Item Veto Proposals.** On Wednesday, May 26 at 10:00 a.m. in Room 2246 of the Dirksen Senate Office Building, the Subcommittee on the Constitution of the House Judiciary Committee will hold a hearing entitled, “The Legality and Efficacy of Line-Item Veto Proposals.” The scheduled witnesses are: The Honorable Thomas Carper, United States Senator from Delaware; Jeffrey Liebman, Acting Deputy Director of the Office of Management and Budget; Ryan Alexander, President of Taxpayers for Common Sense; Charles J. Cooper, Partner of Cooper & Kirk, PLLC.

C. **Pending Nominations**

1. **DAG and AAG nominees.** The President has nominated James Cole to be Deputy Attorney General. The nomination of Mary Smith to be Assistant Attorney General for the Tax Division is pending on the Senate Executive Calendar.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; Audrey Fleissig, ED MO; Lucy Koh, ND CA; Tanya Pratt, SD IN; Jane Magnus-Stinson, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; Josephine Tucker, SD CA; William Martinez, D CO; Gary Feinerman, ND IL; Sharon Coleman, ND IL; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; and Leonard Stark, D DE.

The following nominations are on the May 27 Senate Judiciary Committee markup agenda: Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; John Gibney, Jr., ED VA; John J. McConnell, Jr., RI; James K. Bredar, MD; Ellen L. Hollander, MD; and Susan R. Nelson, MN.

3. **U.S. Attorney nominees.** The nomination of Stephanie Finley, WD LA, and Laura E. Duffy, SD CA, are on the May 27 Senate Judiciary Committee markup agenda. The nomination of Robert Booth Goodwin, II, SD WVA, is pending on the Senate Executive Calendar.
4. **Other nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; John Laub, NIJ; Kerry Forestal, USM SD IN; John Foster, USM SD WV; Gary Gaskins, USM ND WV; and Dallas Neville, USM WD WI. The nominations of Scott Parker, ED NC; Daryl McPherson, ND IL; and Gervin K. Miyamoto, HI, are on the Senate Judiciary Committee markup agenda for May 27.

D. Markup

1. **House Judiciary Subcommittee on Courts and Competition Policy.** It is expected that immediately following the hearing on the Removal Clarification Act before the House Judiciary Subcommittee on the Courts and Competition Policy, the Subcommittee will mark up this bill. The Department generally supports the bill, but looks forward to working with the Subcommittee as the bill moves forward to address some technical issues.

E. Floor

1. **Tax Extender Legislation: Pigford and Cobell Settlements and other matters.** The House is expected to consider H.R. 4213, a bill to revive and extend tax breaks and other programs. This legislation includes funds to cover the settlements of both *Cobell v. Salazar* and *In re Black Farmers Discrimination Litigation* (Pigford II). It also repeals language from the Health Care Reform legislation regarding exclusion of certain companies from Medicaid. In addition, the bill includes language modifying the oil spill liability trust fund. The Senate is expected to take up the measure later this week.
2. **Defense Authorization Act for FY2011.** The House is expected to take up the Defense Authorization Act for FY2011 this week. The House Armed Services Committee marked up its bill, H.R. 5136, on May 19, and the measure is scheduled for floor consideration on May 27. The bill as reported includes amendments related to the disposition of Guantánamo detainees and may attract additional amendments and a possible Motion to Recommit on this subject when it reaches the floor. The Senate Armed Services Committee is expected to mark up its bill this week.
3. **Supplemental Appropriations.** This week, the Senate is expected to consider the supplemental appropriations bill, H.R. 4899, the “Disaster Relief and Summer Jobs Act of 2010.”
4. **Campaign Finance.** H.R. 5175, the “Democracy is Strengthened by Casting Light on Spending in Elections Act” (DISCLOSE Act), was marked up on May 20 by the Committee on House Administration and reported favorably with seven amendments. The House may take up this bill later this week. H.R. 5175 was developed in response to the Supreme Court’s January 21, 2010, ruling in the *Citizens United v. FEC* case and addresses concerns related to transparency and accountability in political campaigns.
5. **Antitrust Criminal Penalties.** H.R. 5330, the Antitrust Criminal Penalty Enhancement and Reform Act extension, is on the House Suspension Calendar for this week.

F. Looking Ahead

1. **Intelligence Authorization.** The House and Senate Intelligence Committees are continuing negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, and a final vote on the conference report is expected soon. The administration has

issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. Although the Department's most serious concerns with the legislation have been favorably resolved, we are continuing to work with ODNI to address significant concerns regarding provisions that would require reports related to the threat posed by the transfers of Guantanamo detainees.

2. **Financial Regulatory Reform.** Next week is Memorial Day recess, but efforts to reconcile the House and Senate versions of the financial regulatory legislation are expected to accelerate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 7, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 11, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Gulf Coast Oil Spill.** On Wednesday, June 9 at 10:30 a.m. in Room 2167 of the Rayburn House Office Building, Associate Attorney General Thomas Perrelli will testify before the House Transportation and Infrastructure Committee at a hearing entitled, "Liability and Financial Responsibility for Oil Spills under the Oil Pollution Act of 1990 and Related Statutes." The other invited witnesses for the hearing are Craig Bennett from the Coast Guard and Bob Addey, the Acting Director of Minerals Management at Interior.
2. **Antitrust Oversight.** On Wednesday, June 9 at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, Assistant Attorney General for the Antitrust Division Christine Varney will testify before the Senate Judiciary Committee's Subcommittee on Antitrust, Competition Policy and Consumer Rights at a hearing entitled, "Oversight of the Enforcement of the Antitrust Laws." The other witness will be Federal Trade Commission Chairman Jonathan Leibowitz.

3. **Discrimination Against Older Workers.** On Thursday, June 10 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Jocelyn Samuels, Senior Counselor to the Assistant Attorney General for Civil Rights, will testify before the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties at a hearing entitled "Protecting Older Workers Against Discrimination."

B. Other hearings of interest to the Department

1. **Re-entry Barriers for the Formerly Incarcerated.** On Wednesday, June 9 at 10:15 a.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing entitled, "Collateral Consequences of Criminal Convictions—Barriers to Re-entry for the Formerly Incarcerated."
2. **Gulf Coast Oil Spill.** On Tuesday, June 8 at 10 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled "The Risky Business of Big Oil: Have Recent Court Decisions and Liability Caps Encouraged Irresponsible Corporate Behavior?"

On Wednesday, June 9 at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building, the Senate Energy and Resources Committee will hold a hearing on the Department of Interior's May 27 report, "Increased Safety Measures for Energy Development on the Outer Continental Shelf," as well as oversight of recent actions recommended by the Department to address the safety of offshore oil development. Secretary of the Interior Kenneth Salazar is scheduled to testify.

On Wednesday, June 9 at 10:30 a.m. in Room 406 of the Dirksen Senate Office Building, the Senate Environment and Public Works Committee will hold a hearing on S. 3305, The Big Oil Bailout Prevention Liability Act of 2010, which would raise the Oil Pollution Act cap on damages liability from \$75 million to \$10 billion.

On Thursday, June 10 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee's State, Local and Private Sector Preparedness and Integration Subcommittee will hold hearing on efforts to assess the effects of the Deepwater Horizon oil spill on states, localities and the private sector.

On Thursday, June 10 at 10:00 a.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Committee's Subcommittee on Insular Affairs, Oceans and Wildlife will hold a hearing on the Deepwater Horizon oil rig explosion entitled, "Our Natural Resources at Risk: The Short and Long Term Impacts of the Deepwater Horizon Oil Spill."

3. **Afghanistan and Pakistan.** On Thursday, June 10 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, the Senate Select Committee on Intelligence will hold a closed hearing on Afghanistan and Pakistan. Witnesses will include an ODNI representative. Representatives of the Drug Enforcement Administration will backbench.

C. Pending Nominations

1. **DAG and AAG nominees.** The President has nominated James M. Cole to be Deputy Attorney General. The nomination of Mary Smith to be Assistant Attorney General for the Tax Division is pending on the Senate Executive Calendar.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; Tanya Pratt, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; Josephine Tucker, SD CA; William Martinez, D CO; Gary Feinerman, ND IL; Sharon Coleman, ND IL; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; Leonard Stark, D DE; and John Gibney, Jr., ED VA. On June 7 the Senate confirmed the following nominees: Audrey Fleissig, ED MO; Lucy Koh, ND CA; Jane Magnus-Stinson, SD IN.

The following nominations are on the June 10 Senate Judiciary Committee markup agenda: Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; John McConnell, Jr., RI; James Bredar, MD; Ellen Hollander, MD; and Susan Nelson, MN.

3. **U.S. Attorney nominees.** The nomination of Robert Booth Goodwin, II, SD WVA was confirmed on May 25; the nominations of Stephanie Finley, WD LA, and Laura E. Duffy, SD CA, were confirmed on May 28. The nominations of Wendy Olson, D ID, and Thomas E. Delahanty, D ME, are on the Senate Judiciary markup agenda for June 10.
4. **Other nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; and John Laub, NIJ. The following nominations were confirmed on May 25: Kerry Forestal, USM SD IN; John Foster, USM SD WV; Gary Gaskins, USM ND WV; and Dallas Neville, USM WD WI. The following nominations were confirmed on May 28: Scott Parker, ED NC; Daryl McPherson, ND IL; and Gervin Miyamoto, HI. The following US Marshal nominations are on the Senate Judiciary markup agenda for June 10: Kevin Harrison, MD LA, and Henry Whitehorn, WD LA.

D. Briefings

1. **High-Value Interrogation Group.** On Wednesday, June 9 at 1:30 p.m., in Room 304 of the House Visitors Center, Andrew McCabe, Director of the High-Value Detainee Interrogation Group at the FBI, accompanied by Robert Litt, General Counsel of the Office of the Director of National Intelligence (ODNI), and Jacques Grimes, a Defense Intelligence Agency detailee to ODNI, will brief Congressman Adam Schiff (D-CA) regarding interrogations and the implications of *Miranda* warnings for the collection of intelligence. Congressman Schiff is a Member of the House Intelligence and Judiciary Committees.

2. **International Megan's Law.** On Thursday, June 10 at 3:00 p.m., in Room 2148 of the Rayburn House Office Building, the Department of Justice, the Department of State and the Department of Homeland Security will brief House Judiciary Committee staff on our concerns about Congressman Smith's proposed legislation entitled "International Megan's Law".
3. **NIJ roll-out of DNA backlog report.** On Monday, June 7 at 1:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Department of Justice will brief Senate Judiciary Committee staff on the National Institute of Justice's roll-out of its DNA backlog report. At a later date and time, the House Judiciary Committee staff will be similarly briefed.

E. **Markup**

1. **Senate Judiciary Committee.** On Thursday, June 10, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 193, a bill to create and extend certain temporary district court judgeships. The bill would require the President to nominate an additional district judge in both California and Nebraska, as well as adjust several other nomination requirements set forth in the Judicial Improvements Act of 1990.

The committee is also scheduled to mark up S. 258, the Saving Kids From Dangerous Drugs Act of 2009; H.R. 1933, the A Child Is Missing Alert and Recovery Act; and H.R. 908, the Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2009.

F. **Floor**

1. **Tax Extender Legislation: Pigford and Cobell Settlements and other matters.** The Senate is expected to take up H.R. 4213, the House-passed tax extenders legislation, early this week. The House-passed version of this legislation includes funds to cover the settlements of both *Cobell v. Salazar* and *In re Black Farmers Discrimination Litigation* (Pigford II), and also would modify language from the health care reform legislation regarding exclusion of certain companies from Medicaid.

G. **Looking Ahead**

1. **Intelligence Authorization.** The House and Senate Intelligence Committees are continuing negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, and a final vote on the conference report is expected soon. The administration has issued a veto threat with respect to three of the provisions in the bill, including a provision that would revise Congressional notification requirements. Although the Department's most serious concerns with the legislation have been favorably resolved, we are continuing to work with ODNI to address significant concerns regarding provisions that would require reports related to the threat posed by the transfers of Guantanamo detainees.

2. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out a Senate version of the bill (S. 3454). Each of these measures includes a provisions that are of significant concern to the Department of Justice. It is unclear when the Senate will move to floor consideration of the bill.
3. **Deputy Attorney General Nomination.** The Senate Judiciary Committee is expected to schedule a hearing on the nomination of James M. Cole for Deputy Attorney General for the week of June 14.
4. **Campaign Finance.** The House Rules Committee postponed action on H.R.5715, the DISCLOSE Act, just prior to the Memorial Day recess. The legislation may be taken up by the House before the July 4th recess.
5. **Intelligence Community Legal Issues.** On Tuesday, June 22, at 2:30 p.m., Assistant Attorney General for National Security David Kris and ODNI General Counsel Robert Litt will testify about intelligence community legal issues before the Senate Select Committee on Intelligence.
6. **Guantanamo Detainees.** The Guantanamo Review Task Force, led by its Executive Director, Matthew Olsen, will brief staff of the House Homeland Security Committee regarding the detainee review process, and the repatriation and resettlement of detainees. The date of the briefing has not yet been determined.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 14, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 18, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Deputy Attorney General Nomination.** On Tuesday, June 15 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Deputy Attorney General Nominee James M. Cole will testify at his confirmation hearing before the Senate Judiciary Committee.
2. **Health Care Fraud.** On Tuesday, June 15 at 10:30 a.m. in Room 1100 of the Longworth House Office Building, Associate Deputy Attorney General Edward Siskel will testify before the House Ways and Means Subcommittee on Health at a hearing entitled, "Reducing Fraud, Waste and Abuse in Medicare." Other witnesses include: Lewis Morris, Chief Counsel in the Office of Inspector General at the U. S. Department of Health and Human Services; Kathleen M. King, Director of Health Care at the U.S. Government Accountability Office; and Kimberly Brandt, Director of Medicare Program Integrity at the Centers for Medicare and Medicaid Services.
3. **Indigent Defense.** On Tuesday, June 15 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, Senior Counsel for the Access to Justice Initiative Laurence Tribe will sit on

a panel entitled, “The Federal Response to the Right to Counsel Crisis.” The panel is the second part of the event, “The Constitutional Right to Counsel Summit: A Dialogue on the State Public Defense Crisis & the Federal Response,” sponsored by House Judiciary Committee Chairman John Conyers and House Judiciary Subcommittee on Crime, Terrorism and Homeland Security Chairman Bobby Scott.

4. **Executive Office for Immigration Review.** On Thursday, June 17 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Associate Deputy Attorney General Juan Osuna will testify before the House Judiciary Committee’s Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law Membership at an oversight hearing on the Executive Office for Immigration Review.

B. Other hearings of interest to the Department

1. **Antitrust in Regulated Industries.** On Tuesday, June 15 at 10:15 a.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Committee’s Subcommittee on Courts and Competition Policy will hold a hearing entitled, “Is There Life After *Trinko* and *Credit Suisse*?: The Role of Antitrust in Regulated Industries.”
2. **Competition in the Airline Industry.** On Wednesday, June 16 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled, “Competition in the Airline Industry.”
3. **Racial Profiling.** On Thursday, June 17 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee’s Subcommittee on the Constitution, Civil Rights, and Civil Liberties will hold a hearing entitled, “Racial Profiling and the Use of Suspect Classifications in Law Enforcement.”
4. **Gulf Coast Oil Spill.** On Tuesday, June 15 at 9:30 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Committee’s Subcommittee on Energy and Environment will hold a hearing entitled “Drilling Down on America’s Energy Future: Safety, Security and Clean Energy.” Chairman of BP America Lamar McKay will testify.

On Tuesday, June 15 at 10:00 a.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Committee’s Subcommittee on Insular Affairs, Oceans, and Wildlife will hold a hearing entitled, “Ocean Science and Data Limits in a Time of Crisis: Do NOAA and the Fish and Wildlife Service Have the Resources to Respond?”

On Wednesday, June 16 at 3:00 p.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security & Governmental Affairs Committee’s Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security Subcommittee will hold a hearing entitled “The Gulf of Mexico Oil Spill: Ensuring a Financially Responsible Recovery.”

On Thursday, June 17 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold hearing to consider pending legislation including S. 3466 which would require restitution for victims of criminal violations of the Federal Water Pollution Control Act.

On Thursday, June 17 at 10:00 a.m. in Room 2123 Rayburn House Office Building, the House Energy and Commerce Committee's Oversight and Investigations Subcommittee will hold a hearing on the activities in the Gulf of Mexico involving the role of BP in the explosion and oil spill of the offshore rig Deepwater Horizon. BP Plc CEO Tony Hayward is expected to testify.

On Thursday, June 17 at 10:00 a.m. in Room 1324 Longworth Building, the House Natural Resources Committee's Energy and Mineral Resources Subcommittee will hold a hearing on the Deepwater Horizon oil rig explosion entitled "The Deepwater Horizon Incident: Are the Minerals Management Service Regulations Doing the Job?"

C. Pending Nominations

1. **AAG nominee.** The nomination of Mary Smith to be Assistant Attorney General for the Tax Division is pending on the Senate Executive Calendar.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; Tanya Pratt, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; Mark Goldsmith, ED MI; Marc Treadwell, MD GA; Josephine Tucker, SD CA; William Martinez, D CO; Gary Feinerman, ND IL; Sharon Coleman, ND IL; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; Leonard Stark, D DE; and John Gibney, Jr., ED VA.

The following district court nominees are scheduled to be voted on by the full Senate on June 15: Tanya Walton Pratt, SD IN, Brian Anthony Jackson, MD LA; Elizabeth Erny Foote, WD LA.

The nomination of John J. McConnell, Jr., D RI was held over on June 10 and is on the June 17 Senate Judiciary Committee markup agenda.

3. **U.S. Attorney nominees.** The following nominees are pending on the Senate Executive Calendar: Thomas E. Delahanty, D ME; Wendy J. Olson, D ID; Donald J. Cazayoux, MD LA; James A. Lewis, CD IL.
4. **Other nominees.** The following nominees are pending on the Senate Executive Calendar: James Lynch, BJS; and John Laub, NIJ. The following nominations were approved on June

10 by the Senate Judiciary Committee and sent to the Senate floor for full Senate confirmation: Kevin C. Harrison, USM MD of LA; Henry L. Whitehorn, USM WD LA; Charles Dunne, USM ED NY.

D. Briefings

1. **Criminal Division Reorganization.** On Tuesday, June 15, at 10:00 a.m. in Room H310 of the Capitol Building, representatives from the Criminal Division and the Office of Deputy Attorney General will brief staff for the House Commerce, Justice, and Science Appropriations Subcommittee and staff for Congressman Scott on the reorganization of the Criminal Division Gang Unit and Organized Crime.

Also on Tuesday, June 15, at 3:00 p.m. in Room 116 of the Dirksen Senate Office Building, representatives from the Criminal Division and the Office of Deputy Attorney General will provide a similar briefing to staff of the Senate Commerce, Justice, and Science Appropriations Subcommittee, as well as the staffs of Senator Feinstein and Senator Leahy.

2. **International Megan's Law.** On Thursday, June 14, in Room 2148 of the Rayburn House Office Building, the Department of Justice, the Department of State and the Department of Homeland Security will brief House Judiciary Committee staff on our concerns about Congressman Smith's proposed legislation entitled "International Megan's Law."

E. Markup

1. **Senate Judiciary Committee.** On Thursday, June 17, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act. The bill would require the United States Sentencing Commission to review and amend the Federal Sentencing Guidelines and policy statements in order to increase penalties and appropriately account for the actual harm to the public and the environment from the offenses.

The committee is also scheduled to mark up S. 258, the Saving Kids From Dangerous Drugs Act of 2009; H.R. 1933, the A Child Is Missing Alert and Recovery Act; and H.R. 908, the Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2009.

F. Floor

1. **Tax Extender Legislation: Pigford and Cobell Settlements and other matters.** The Senate will resume consideration of H.R. 4213, the House-passed tax extenders legislation. The House-passed version of this legislation includes funds to cover the settlements of both *Cobell v. Salazar* and *In re Black Farmers Discrimination Litigation* (Pigford II), and also would modify language from the health care reform legislation regarding exclusion of certain companies from Medicaid.

G. Looking Ahead

1. **Intelligence Authorization.** After intensive negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, we anticipate that the Administration will support the current version of the conference report. A final vote is expected soon. Meanwhile, a provision regarding GAO audits of intelligence activities that had drawn a veto threat and was stripped from the bill has been added, in slightly modified form, to the House version of the National Defense Authorization Act.
2. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out a Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice. It is unclear when the Senate will move to floor consideration of the bill.
3. **Campaign Finance.** House leadership, bill sponsors and others are attempting to negotiate on a manager's amendment to H.R. 5175, the DISCLOSE Act, with the goal of bringing it before the Rules Committee as soon as this week and to the House floor immediately thereafter.
4. **Intelligence Community Legal Issues.** On Tuesday, June 22, at 2:30 p.m., Assistant Attorney General for National Security David Kris and ODNI General Counsel Robert Litt will testify about intelligence community legal issues before the Senate Select Committee on Intelligence.
5. **Guantanamo Detainees.** The Guantanamo Review Task Force, led by its Executive Director, Matthew Olsen, will brief staff of the House Homeland Security Committee regarding the detainee review process, and the repatriation and resettlement of detainees. The date of the briefing has not yet been determined.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 21, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 25, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **The Americans with Disabilities Act and the *Olmstead* decision.** On Tuesday, June 22 at 2:30 p.m. in Room 430 of the Dirksen Senate Office Building, Assistant Attorney General for Civil Rights Tom Perez will testify before the Senate Committee on Health, Education, Labor & Pensions at a hearing entitled, "The ADA and Olmstead Enforcement: Ensuring Community Opportunities for Individuals with Disabilities." Other witnesses are Cindy Mann, Deputy Administrator, Centers for Medicare & Medicaid Services, Department of Health and Human Services; Robert Bernstein, Executive Director of the Bazelon Center for Mental Health Law; Nancy Thaler, Executive Director of the National Association of State Directors of Developmental Disabilities Services; Kelly Buckland, Executive Director of the National Council on Independent Living; and Jeffrey Knight, a disabled individual.
2. **IC Legal Issues.** On Tuesday, June 22 at 2:30 p.m. Assistant Attorney General for the National Security Division David Kris will testify before the Senate Select Committee on Intelligence at a closed hearing on IC legal issues. ODNI General Counsel Robert Litt will also testify at the hearing.

3. **Oversight of the Civil Division.** On Thursday, June 24 at 11:00 a.m. in Room 2141 of the Rayburn House Office Building, Assistant Attorney General for the Civil Division Tony West will testify before the House Judiciary Subcommittee on Commercial and Administrative Law at a hearing on oversight of the Civil Division.

B. Other hearings of interest to the Department

1. **Gulf Coast Oil Spill.** On Tuesday, June 22 at 2:30 p.m. in 406 Dirksen Senate Office Building, the Senate Environment and Public Works Committee's Subcommittee on Superfund, Toxics and Environmental Health will hold a hearing on the Superfund program of the EPA. EPA Assistant Administrator for Solid Waste and Emergency Response Mathy Stanislaus will testify.

On Thursday, June 24 at 9:30 a.m. in 366 Dirksen Senate Office Building, the Senate Energy and Natural Resources Committee will hold a hearing on S. 3452, a bill to designate the Valles Caldera National Preserve as a unit of the National Park System).

On Thursday, June 24 at a time to be decided in 253 Russell Senate Office Building, the Senate Commerce, Science and Transportation Committee will hold a hearing on the effects of the Gulf Coast oil spill on fisheries, tourism, coastal communities, and the people who depend on the industry.

On Thursday, June 24 at 10:00 a.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Committee's Subcommittee on Insular Affairs, Oceans, and Wildlife will hold a hearing entitled, "Ocean Science and Data Limits in a Time of Crisis: Do NOAA and the Fish and Wildlife Service Have the Resources to Respond?"

2. **Electronic Communications Privacy Act (ECPA) Reform.** On Thursday, June 24 at 10:00 a.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties will hold a hearing entitled, "ECPA Reform and the Revolution in Location Based Technologies and Services." The expected witnesses include the following: Marc Zwillinger; Stephen Smith, Magistrate Judge, TX; Matt Blaze, University of Pennsylvania; Mike Amarosa, True Position. A representative from the International Association of Chiefs of Police is likely to be the law enforcement representative at the hearing.

C. Pending Nominations

1. **Department nominees.** The Senate Judiciary Committee held a confirmation hearing on June 15 on the nomination of James Cole to be the Deputy Attorney General. We anticipate receiving written questions for the nominee on June 22. The following nominees are pending on the Senate Executive Calendar and await Senate confirmation: Mary Smith to be Assistant Attorney General for the Tax Division; James Lynch, BJS; and John Laub, NIJ.

2. **U.S. Attorney nominees and U.S. Marshal nominees.** The following U.S. Attorney nominees are pending on the Senate Executive Calendar: Pamela C. Marsh, ND FL; Peter J. Smith, MD PA; Thomas E. Delahanty, D ME; Wendy J. Olson, D ID; Donald J. Cazayoux, MD LA; James A. Lewis, CD IL. The nominations of Edward L. Stanton, III, WD TN, and Stephen R. Wigginton, SD IL, are scheduled to be voted on by the Committee on June 24.

The following U.S. Marshal nominees are awaiting Senate confirmation: Kevin A. Carr USM ED WI; Kevin C. Harrison, USM MD of LA; Henry L. Whitehorn, USM WD LA; Charles Dunne, USM ED NY. The nomination of Cathy Jones, SD OH, is on the agenda for the Senate Judiciary Committee business meeting on June 24.

3. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; John J. McConnell, Jr., D RI; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; Tanya Pratt, SD IN; Brian Jackson, MD LA; Elizabeth Foote, WD LA; William Martinez, D CO; Gary Feinerman, ND IL; Sharon Coleman, ND IL; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; Leonard Stark, D DE; and John Gibney, Jr., ED VA.

The following district court nominees were confirmed by the Senate on June 15: Tanya Walton Pratt, SD IN; Brian Anthony Jackson, MD LA; Elizabeth Erny Foote, WD LA. The following district court nominees were confirmed on June 21: Mark Goldsmith, ED MI; Marc Treadwell, MD GA; and Josephine Tucker, SD CA.

D. Briefings

1. **International Corruption Task Force Joint Operation Center.** On Tuesday, June 22, at 10:00 a.m. the Commission on Wartime Contracting Commissioners Chris Shays and Charles Tiefer will tour the International Contract Corruption Task Force Joint Operations Center (ICCTF JOC). The briefing will be provided by Steve Linick, Director, National Procurement Fraud Task Force, (and Deputy Chief, Fraud Section, Criminal Division, Department of Justice) and Thomas M. Chadwick, JOC Manager, Unit Chief, FBI.
2. **Guantanamo Detainees.** On June 22, 2010, at 4:30 p.m., in the House Visitors' Center, the Guantanamo Review Task Force, led by Executive Director, Matthew Olsen, will brief the staff of the House Homeland Security Committee regarding the detainee review process, and the repatriation and resettlement of detainees.

E. Markups

1. **Senate Judiciary Committee.** On Thursday, June 24, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to markup S. 3466, Environmental Crimes Enforcement Act, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act. The bill would require the

United States Sentencing Commission to review and amend the Federal Sentencing Guidelines and policy statements in order to increase penalties and appropriately account for the actual harm to the public and the environment from the offenses.

The Committee is also scheduled to mark up H.R. 1933, the A Child Is Missing Alert and Recovery Act, and H.R. 908, the Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2009.

On Thursday, June 17, the Committee approved the Feinstein substitute to S. 258, the Saving Kids From Dangerous Drugs Act of 2009 as well as the Sessions amendment with regard to sentencing enhancement.

2. **House Judiciary Committee.** On Wednesday, June 23, at 10:15 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 1455, a resolution of inquiry, directing the Attorney General to transmit to the House of Representatives copies of certain communications relating to certain recommendations regarding administration appointments. The bill would require transmission of any document or record from within the Department of Justice that relates to recommendations by the Department about discussions of any administration appointments of White House staff (or representatives thereof) with any candidate for public office in exchange for the candidates withdrawal from any election, or any investigations by the Department regarding those discussions. We anticipate that the Committee will report the resolution adversely, effectively preventing it from going to the floor as a privileged resolution.

The committee is also scheduled to mark up the following bills:

- H.R. 5503, the Securing Protections from the Injured from Limitations on Liability Act, which would revise laws regarding liability in certain civil actions arising from maritime incidents.
- H.R. 5281, the Removal Clarification Act, which would amend the federal judicial code with respect to removal to an appropriate U.S. district court from a state court of: (1) any civil action against the United States or a federal agency or officer, or specified others; or (2) a criminal prosecution commenced in a state court against any of them.
- H.R. 1020, the Arbitration Fairness Act, which declares that no pre-dispute arbitration agreement shall be valid or enforceable if it requires arbitration of: (1) an employment, consumer, or franchise dispute, or (2) a dispute arising under any statute intended to protect civil rights.
- H.R. 1237, the Fairness in Nursing Home Arbitration Act, which provides that a pre-dispute arbitration agreement between a long-term care facility and a resident (or anyone acting on the resident's behalf) shall not be valid or specifically enforceable.
- H.R. 5092, which would amend 18 U.S.C. 48 (relating to depiction of animal cruelty) to prohibit knowingly selling 'animal crush videos' via interstate or foreign commerce and impose a fine and no more than 5 years of imprisonment.

F. Floor

1. **Tax Extender Legislation: Pigford and Cobell Settlements and other matters.** The Senate may resume consideration of a modified version of H.R. 4213, the House-passed tax extenders legislation, which includes provisions to implement the settlements of both *Cobell v. Salazar* and *In re Black Farmers Discrimination Litigation* (Pigford II), as well as language to modify a provision of the health care reform legislation regarding exclusion of certain companies from Medicaid.
2. **Oil Spill Commission Subpoena Authority.** The House may take up H.R. 5481, a bill to give subpoena power to the National Commission on the BP Deepwater Oil Spill and Offshore Drilling. The Department is working with the lead sponsor, Rep. Capps, on language to require consultation with the Department before the issuance of subpoenas by the Commission.

G. Looking Ahead

1. **Intelligence Authorization.** After intensive negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, we anticipate that the Administration will support the current version of the conference report. A final vote is expected soon. Meanwhile, a provision regarding GAO audits of intelligence activities that had drawn a veto threat and was stripped from the bill has been added, in slightly modified form, to the House version of the National Defense Authorization Act.
2. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out a Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice. It is unclear when the Senate will move to floor consideration of the bill.
3. **Campaign Finance.** House Leadership, bill sponsors and others have negotiated a manager's amendment to H.R. 5175, Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act. On Monday, June 21, the White House issued a Statement of Administration Policy in strong support of its passage as "a necessary measure so that Americans will know who is trying to influence the Nation's elections." The House Rules Committee is expected to take up this version of H.R. 5175 on Wednesday, June 23 and the bill is expected to be taken up by the full House on Thursday, June 24.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 28, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 2, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

Prescription Drug Disposal. On Wednesday, June 30 at 2:00 p.m. Deputy Assistant Administrator for the Drug Enforcement Administration Joseph T. Rannazzisi will testify before the Senate Special Committee on Aging at a hearing entitled, "Drug Waste and Disposal: When Prescriptions Become Poison."

B. Pending Nominations

- Department nominees.** The Senate Judiciary Committee held a confirmation hearing on June 15 on the nomination of James Cole to be the Deputy Attorney General. The nominee has received written questions for the record and is in the process of responding. The following nominee is pending on the Senate Executive Calendar and awaits Senate confirmation: Mary Smith to be Assistant Attorney General for the Tax Division. On June 22, the Senate confirmed the nominations of James Lynch, BJS; and John Laub, NIJ; by voice vote.

2. **U.S. Attorney nominees and U.S. Marshal nominees.** The following U.S. Attorney nominees were approved by the Senate Judiciary Committee on June 24 and are pending on the Senate Executive Calendar: Edward L. Stanton, II, WD TN, and Stephen R. Wigginton, SD IL. The nomination of Timothy Purdon, ND, was held over by the Committee on June 24th. On June 22 the Senate confirmed the following U.S. Attorneys: Pamela C. Marsh, ND FL; Peter J. Smith, MD PA; Thomas E. Delahanty, D ME; Wendy J. Olson, D ID; Donald J. Cazayoux, MD LA; James A. Lewis, CD IL.

The following U.S. Marshal nominee is awaiting Senate confirmation: Cathy Jones, SD OH. On June 22, the Senate confirmed the following U.S. Marshals: Kevin A. Carr USM ED WI; Kevin C. Harrison, USM MD of LA; Henry L. Whitehorn, USM WD LA; Charles Dunne, USM ED NY.

3. **Judicial nominees.** The Senate Judiciary Committee began its hearings on the nomination of Elena Kagan to the U.S. Supreme Court on June 28, 2010.

The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; John J. McConnell, Jr., D RI; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; LA; William Martinez, D CO; Gary Feinerman, ND IL; Sharon Coleman, ND IL; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; Leonard Stark, D DE; and John Gibney, Jr., ED VA. The nomination of Gary Feinerman, ND IL was confirmed by the Senate by a vote of 80-0 on June 28.

C. **Markups**

There are no markups this week in either the Senate Judiciary Committee or the House Judiciary Committee.

D. **Floor**

1. **Oil Spill Commission Subpoena Authority.** Last week, the House passed H.R. 5481, a bill to give subpoena power to the National Commission on the BP Deepwater Oil Spill and Offshore Drilling. The version passed by the House includes language requiring notification to, and consent by, the Department before the issuance of subpoenas by the Commission. The House-passed bill is being hotlined in the Senate this week.
2. **War Supplemental Bill.** This week the House is expected to take up the FY 2010 Emergency Supplemental Appropriations bill which includes supplemental funding to pay for border protection and law enforcement activities along the Southwest border as well as funds to clean up the oil spill and other items.

E. **Looking Ahead**

1. **Intelligence Authorization.** After intensive negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, the Administration has signaled its support for the current version of the conference report. A final vote is expected soon. Meanwhile, a provision regarding GAO audits of intelligence activities that had drawn a veto threat and was stripped from the bill has been added, in slightly modified form, to the House version of the National Defense Authorization Act.
2. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out a Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice. It is unclear when the Senate will move to floor consideration of the bill.
3. **Tribal Law and Order.** On June 23, 2010, the Senate unanimously approved the Tribal Law and Order Act of 2010 as a manager's amendment to H.R. 725, the Indian Arts and Crafts Amendments Act of 2010. The House companion bill to the Tribal Law and Order Act is H.R. 1924, currently pending before the House Judiciary Committee. The Department is working with the White House, House Leadership and Committee staff to strategize on how best to proceed on H.R. 1924.
4. **U.S. Virgin Islands Constitution.** The Senate unanimously approved a Joint Resolution, S.J.R. 33, providing for the reconsideration and revision of the proposed constitution to correct provisions inconsistent with the Constitution and Federal law. The House will take the measure up on suspension on Tuesday, June 29, and the Department is currently responding to OMB's request for written views and recommendations for Presidential action in anticipation of an enrolled bill.
5. **Gun Show Loophole.** The House Judiciary Committee has invited a Department of Justice representative to participate in a briefing regarding the Gun Show Loophole Act of 2009 (H.R. 2324). Other invited participants include representatives from Mayors Against Illegal Guns (MAIG) and the International Association of Chiefs of Police (IACP). The Committee will also invite a student who was shot during the Virginia Tech attack and the parent of a Columbine High School student who was killed in that incident. The briefing date is expected to be in the middle of July.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 12, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 16, 2010

The following is a summary of our current activities:

A. Hearings

No Department witnesses will be testifying this week.

B. Pending Nominations

1. **Department nominees.** The Senate Judiciary Committee held a confirmation hearing on June 15 on the nomination of James Cole to be the Deputy Attorney General. The nominee has responded to written questions for the record, and the nomination is on the agenda for the July 13 Senate Judiciary Committee business meeting. The following nominee is pending on the Senate Executive Calendar and awaits Senate confirmation: Mary Smith to be Assistant Attorney General for the Tax Division. The following nominations are pending before the Senate Judiciary Committee: the nomination of Michele Leonhart to be Administrator of the Drug Enforcement Administration, and the nomination of Bea Hanson to be Director of the Office for Victims of Crime.

2. **U.S. Attorney nominees and U.S. Marshal nominees.** The following U.S. Attorney nominees were approved by the Senate Judiciary Committee on June 24 and are pending on the Senate Executive Calendar: Edward L. Stanton, II, WD TN, and Stephen R. Wigginton, SD IL. The nomination of Timothy Purdon, ND, was held over by the Committee on June 24th.

The following U.S. Marshal nominee is awaiting Senate confirmation: Cathy Jones, SD OH.

3. **Judicial nominees.** The nomination of Elena Kagan is on the agenda for the Senate Judiciary Committee business meeting scheduled for July 13.

The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; John J. McConnell, Jr., D RI; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; Leonard Stark, D DE; and John Gibney, Jr., ED VA. The Senate voted on July 12 to confirm the nomination of Sharon Coleman, ND IL.

The Senate Judiciary Committee has scheduled a hearing for July 15 on the following nominations: Mary H. Murguia, Ninth Circuit; Leslie Kobayashi, D HI; Edmond E-Min Chang, ND IL; Denise J. Casper, D MA; and possibly Carlton W. Reeves, SD MS.

C. **Briefings**

1. **Cybersecurity.** On Tuesday, July 14 at 4:30 P.M. in room HC-5 of the Capitol, the Department will participate in a briefing for bipartisan congressional leadership staff by Howard Schmidt, Special Assistant to the President and Cybersecurity Coordinator, and other senior administration officials, on the administration's efforts to strengthen the nation's cybersecurity. DOJ participants will include Jason Chipman of the Office of the Deputy Attorney General and Susan Koeppen of the National Security Division.
2. **Honest Services Fraud.** On Wednesday, July 14 at 2:00 p.m. in Room 224 of the Dirksen Senate Office Building, the Department will brief majority staff of the Senate Judiciary Committee on potential legislative responses to the recent Supreme Court rulings on the honest services statute. Briefers will include Ed Siskel of the Office of the Deputy Attorney General, Ray Hulser of the Criminal Division, and Jonathan Wroblewski of the Criminal Division.

D. **Markups**

1. **Senate Judiciary Committee.** On Tuesday, July 13, at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee is scheduled to mark up H.R. 1933, A Child Is Missing Alert and Recovery Act, a bill to direct the Attorney General, acting

through the Administrator of the Office of Juvenile Justice and Delinquency Prevention, to make annual grants to the A Child Is Missing Alert and Recovery Center.

The Committee is also scheduled to mark up H.R. 2765, to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

2. **House Judiciary Committee.** There is no scheduled mark up session this week.
3. **Offshore Drilling.** On Wednesday, July 14, at 10 a.m. in Room 1324 of the Longworth House Office Building, the House Committee on Natural Resources will mark up H.R. 3534, the Consolidated Land, Energy and Aquatic Resources (“CLEAR”) Act, which includes an overhaul of offshore drilling laws.

On Wednesday, July 14, at 10 a.m. in Room 2318 of the Rayburn House Office Building, the House Committee on Science and Technology will mark up H.R. 2693, a bill to amend the Oil Pollution Act, as well as an unnumbered bill on safer oil and natural gas drilling.

E. **Floor**

1. **Oil Spill Commission Subpoena Authority.** On June 23, the House passed H.R. 5481, a bill to give subpoena power to the National Commission on the BP Deepwater Oil Spill and Offshore Drilling. The version passed by the House includes language requiring notification to, and consent by, the Department before the issuance of subpoenas by the Commission. A request for unanimous consent to Senate passage is likely this week.
2. **Financial Regulatory Reform.** The Senate is expected to consider the Conference Report on H.R. 4173, the Dodd-Frank Wall Street Reform and Consumer Protection Act, which the House passed on June 30.

F. **Looking Ahead**

1. **Intelligence Authorization.** After intensive negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, the Administration has indicated its support for the current version of the conference report. A final vote could come soon. Meanwhile, a provision regarding GAO audits of intelligence activities that had drawn a veto threat and was stripped from the bill has been added, in slightly modified form, to the House version of the National Defense Authorization Act.
2. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out a Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo. It is unclear when the Senate will move to floor consideration of the bill.

3. **Guantánamo Detainees.** Brad Wiegmann, Principal Deputy Assistant Attorney General in the National Security Division, accompanied by an official from the Department of Defense, will provide an informal briefing to the majority staff on the Senate Judiciary Subcommittee on Terrorism and Homeland Security regarding law of war detention.
4. **Pigford II and Cobell Settlements.** Legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar* is included in both the Supplemental Appropriations bill that passed the House on July 1 (H.R. 4899) and the tax extender bill that previously passed the House (H.R. 4213). It is unclear when the Senate will take up either of these bills.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 19, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 23, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Alternatives to Incarceration.** On Thursday, July 22, 2:00 p.m. in Room 2154 of the Rayburn House Office Building, Acting Director for the Office of Justice Programs Jim Burch will testify before the House Oversight Committee's Subcommittee on Domestic Policy in a hearing entitled "Quitting Hard Habits: Efforts to Expand and Improve Alternatives to Incarceration for Drug-Involved Offenders."
2. **Americans with Disabilities Act.** On Thursday, July 22, 2:00 p.m. in Room 2141 of the Rayburn House Office Building, Assistant Attorney General for Civil Rights Tom Perez will testify before the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights and Civil Liberties at a hearing titled "Americans with Disabilities Act at 20—Celebrating Our Progress, Affirming Our Commitment." Other witnesses will be Congressmen Steny Hoyer; James Langevin, former Attorney General Richard Thornburgh; Cheryl Sensenbrenner, Chair of the Board of the American Association of People with Disabilities; Jonathan Young, Chairman of the National Council on Disability; Adrian Villalobos; and Casandra Cox.

B. Other hearings of interest to the Department

1. **Gulf Oil Spill.** On Tuesday, July 20, at 10 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Subcommittees on Energy and Environment and Oversight and Investigations will hold a joint hearing entitled “Role of the Interior Department in the Deepwater Horizon Disaster.”

On Tuesday, July 20, at 10 a.m. in Room 1100 of the Longworth House Office Building, the House Ways and Means Committee’s Oversight Subcommittee will hold a hearing entitled “Demand for Charitable Assistance in the Gulf Coast Region.”

On Wednesday, July 21, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled, “Ensuring Justice for Victims of the Gulf Coast Oil Disaster.”

On Wednesday, July 21, at 10:00 a.m. in Room 253 of the Russell Senate Office Building, the Senate Science and Transportation Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard will hold a hearing entitled, “Effective Cleanup and Restoration in the Gulf.”

On Thursday, July 22, at 10:00 a.m. in Room 430 of the Dirksen Senate Office Building, the Senate Health, Education, Labor and Pensions Subcommittee on Employment and Workplace Safety will hold a hearing entitled, “Workplace Safety and Worker Protections at BP.”

On Thursday, July 22, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security will hold a hearing entitled, “Gulf of Mexico Oil Spill: Ensuring a Financially Responsible Recovery Part II.”

2. **Second Chance Act.** On Wednesday, July 21, 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled, “The Second Chance Act: Strengthening Safe and Effective Community Reentry.”
3. **Internet Gambling Regulation.** On Wednesday, July 21, 1:00 p.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Committee will hold a hearing on H.R. 2267, Internet Gambling Regulation, Consumer Protection, and Enforcement Act, a bill introduced by Rep. Barney Frank which would establish an internet gambling licensing program under the jurisdiction of the Secretary of the Treasury.

C. Pending Nominations

1. **Department nominees.** The nomination of James Cole to be the Deputy Attorney General is on the agenda of the Senate Judiciary Committee for the July 20 business meeting. The following nominee is pending on the Senate Executive Calendar and awaits Senate

confirmation: Mary Smith to be Assistant Attorney General for the Tax Division. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration, and Bea Hanson to be Director of the Office for Victims of Crime.

2. **U.S. Attorney nominees and U.S. Marshal nominees.** The following U.S. Attorney nominees were approved by the Senate Judiciary Committee on June 24 and are pending on the Senate Executive Calendar: Edward L. Stanton, II, WD TN, and Stephen R. Wigginton, SD IL. The nomination of Timothy Purdon, ND, was held over by the Committee on June 24th and is on the agenda for the July 20 business meeting.

The following U.S. Marshal nominee is awaiting Senate confirmation: Cathy Jones, SD OH. The following nominations are on the Senate Judiciary Committee business meeting scheduled for July 20: Willie Ransome Stafford, MD NC, and Arthur Darrow Baylor, MD AL,

3. **Judicial nominees.** The nomination of Elena Kagan to the U.S. Supreme Court is on the agenda for the Senate Judiciary Committee business meeting scheduled for July 20.

The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; John J. McConnell, Jr., D RI; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; Leonard Stark, D DE; and John Gibney, Jr., ED VA.

4. **Other nominees.** The nomination of J. Patricia Wilson Smoot, to be a Commissioner of the United States Parole Commission, is on the agenda of the Senate Judiciary Committee business meeting scheduled for July 20.

D. Briefings

1. **Honest Services.** On Tuesday, July 20, the Department will brief majority staff of the House Judiciary Committee on potential legislative responses to the recent Supreme Court rulings on the honest services statute. A similar briefing was provided at the request of the Senate Judiciary Committee majority staff on July 14 and also will be provided to the minority staff of both committees.
2. **Fort Hood.** On Wednesday, July 21 at 2:00 p.m., the Department will brief the staff of the Senate Judiciary Committee on the FBI's internal review of the Fort Hood investigation.

E. Markups

1. **Senate Judiciary Committee.** On Tuesday, July 20, at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 3397, Secure and Responsible Drug Disposal Act, a bill to allow an ultimate user who has lawfully obtained a controlled substance to deliver that substance to another person for the purpose of disposal if: (1) the person receiving the controlled substance is authorized to do so; and (2) the disposal takes place in accordance with regulations to prevent diversion of controlled substances.

The Committee is also scheduled to mark up S.2925, Trafficking Deterrence and Victims Support Act, a bill to implement changes to the National Crime Information Center (NCIC) to identify endangered juveniles; to authorize the Office of Justice Programs to award one-year block grants to provide shelter and services to victims of sex trafficking and for training for law enforcement and social services; to require states to report information on missing or abducted children to the NCIC database; to require the Attorney General's annual statistical summary to include the total number of missing child reports received and the total number of entries made to the NCIC database; and to require law enforcement agencies to update the record of a missing child with a photograph taken within the previous 180 days and to notify the National Center for Missing and Exploited Children of each report on a child missing from a foster care family home or childcare institution.

2. **House Judiciary Committee.** There is no scheduled mark up session this week.

F. Floor

1. **Tribal Law and Order Act of 2010.** On June 23, H.R. 725, the Indian Arts & Crafts Act Amendments Act, was passed by the Senate with an amendment that added the Tribal Law and Order Act (TLOA). The House is expected to consider H.R. 725 on the suspension calendar as early as Tuesday of this week.

G. Looking Ahead

1. **Oil Spill Legislation.** Several bills related to the Gulf Coast oil spill have been reported out of the relevant committees in the House and Senate, and floor action is likely to be scheduled before the August recess.
2. **Intelligence Authorization.** After intensive negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, the Administration has indicated its support for the current version of the conference report. A final vote could come soon. Meanwhile, a provision regarding GAO audits of intelligence activities that had drawn a veto threat and was stripped from the bill has been added, in slightly modified form, to the House version of the National Defense Authorization Act.
3. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out a Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further

restrict transfers from Guantánamo. It is unclear when the Senate will move to floor consideration of the bill.

4. **Guantánamo Detainees.** On a date to be determined, Brad Wiegmann, Principal Deputy Assistant Attorney General in the National Security Division, accompanied by an official from the Department of Defense, will provide an informal briefing to the majority staff on the Senate Judiciary Subcommittee on Terrorism and Homeland Security regarding law of war detention.
5. **Pigford II and Cobell Settlements.** Legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar* is included in both the Supplemental Appropriations bill that that passed the House on July 1 (H.R. 4899) and the tax extender bill that previously passed the House (H.R. 4213). It is unclear when either measure will be taken up by the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 26, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 30, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Female D.C. Code Felons.** On Tuesday, July 27, at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, Director of the Federal Bureau of Prisons Harley Lappin will testify before the House Government Reform and Oversight Subcommittee on Federal Workforce, Postal Service, and the District of Columbia in a hearing entitled "Female D.C. Code Felons: Unique Challenges in Prison and at Home."
2. **Closing Yucca Mountain.** On Tuesday, July 27, at 10:15 a.m. in Room 210 of the Cannon House Office Building, Deputy Assistant Attorney General for the Civil Division Michael F. Hertz will testify before the House Committee on the Budget at a hearing entitled "Budget Implications of Closing Yucca Mountain." Under Secretary Kristina M. Johnson will testify on behalf of the Department of Energy. She will be accompanied by Energy's General Counsel, Scott Harris.
3. **Antitrust Oversight.** On Tuesday, July 27, at 10:15 a.m. in Room 2141 of the Rayburn House Office Building, Assistant Attorney General for Antitrust Christine Varney will testify

before the House Judiciary Subcommittee on Courts and Competition at an Antitrust oversight hearing. Federal Trade Commission Chairman Jon Liebowitz will also testify.

4. **Federal Bureau of Investigation Oversight.** On Wednesday, July 28, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Director of the Federal Bureau of Investigation Robert S. Mueller, III will testify before the Senate Judiciary Committee at a full committee FBI oversight hearing.

B. Other hearings of interest to the Department

1. **Gulf Oil Spill.** On Tuesday, July 27, at 10:00 a.m. in Room 106 of the Dirksen Senate Office Building, the Senate Small Business and Entrepreneurship Committee will hold a hearing entitled “The Deepwater Drilling Moratorium: A Second Economic Disaster for Small Businesses?”

On Tuesday, July 27, at 10:00 a.m. in Room 2123 Rayburn House Office Building, the House Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection will hold a hearing entitled “The BP Oil Spill and Gulf Coast Tourism: Assessing the Impact.”

On Tuesday, July 27, at 2:30 p.m. in Room 406 of the Dirksen Senate Office Building, the Senate Environment and Public Works Subcommittee on Water and Wildlife will hold a hearing entitled “Assessing Natural Resource Damages Resulting from the BP Deepwater Horizon Disaster.” Federal witnesses include the following: Cynthia Dohner, Director of Southeast Region, U.S. Fish and Wildlife Service; Tony Penn, Deputy Chief of Assessment and Restoration Division, Office of Response and Restoration, NOAA; and Eva J. Pell, Undersecretary of the Smithsonian Institution for science.

On Tuesday, July 27, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled, “*Exxon Valdez* to Deepwater Horizon: Protecting Victims of Major Oil Spills.”

2. **RESPECT Act.** On Wednesday, July 28, at 10:00 a.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Committee will hold a hearing on H.R. 5023, the Requirements, Expectations, and Standard Procedures for Executive Consultation with Tribes Act, RESPECT Act. The RESPECT Act prescribes procedures for effective consultation and coordination by federal agencies with federally recognized Indian tribes regarding federal government activities that impact tribal lands and interests to ensure that meaningful tribal input is an integral part of the federal decision-making process.
3. **Fair Housing Act.** On Wednesday, July 28, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties will hold a hearing entitled “The American Dream Part III: Advancing and Improving the Fair Housing Act on the 50 year Anniversary of Hurricane Katrina.”

4. **Indian Gaming.** On Thursday, July 29, at 9:30 a.m. in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold a hearing on Indian gaming.
5. **Lockerbie/Al-Megrahi Release.** On Thursday, July 29, at 2:30 p.m. in Room 216 of the Hart Senate Office Building, the Senate Foreign Relations Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International Environmental Protection will hold a hearing entitled “The Al-Megrahi Release: One Year Later.” The purpose of the hearing is to review the decision of the Scottish government to release convicted Lockerbie bomber Al-Megrahi, and the actions of the U.S. government in regard to that decision.

C. Pending Nominations

1. **Department nominees.** The following nominees are pending on the Senate Executive Calendar and await Senate confirmation: James Cole, to be Deputy Attorney General, and Mary Smith, to be Assistant Attorney General for the Tax Division. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration, and Bea Hanson to be Director of the Office for Victims of Crime.
2. **U.S. Attorney nominees and U.S. Marshal nominees.** The following U.S. Attorney nominees are pending on the Senate Executive Calendar awaiting Senate confirmation: Edward L. Stanton, II, WD TN; Stephen R. Wigginton, SD IL; and Timothy Purdon, ND. The following nominations are on the Senate Judiciary Committee business meeting agenda for July 29: John Walsh, CO; John Vaudreuil, WD WI; and William J. Ihlenfeld, II, ND WV.

The following U.S. Marshal nominees are awaiting Senate confirmation: Cathy Jones, SD OH; Willie Ransome Stafford, MD NC; and Arthur Darrow Baylor, MD AL. The following U.S. Marshal nominations are on the Senate Judiciary Committee business meeting agenda for July 29: Mark Lloyd Ericks, WD WA; Joseph Patrick Faughnan, Sr. D CT; Harold Michael Oglesby, WD AR; and Conrad Ernest Candelaria, D NM.

3. **Judicial nominees.** The nomination of Elena Kagan to the U.S. Supreme Court was reported by the Senate Judiciary Committee on July 20 by a vote of 13-6 and is on the Senate’s Executive Calendar awaiting action by the full Senate.

The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate’s Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; John J. McConnell, Jr., D RI; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; Leonard Stark, D DE; and John Gibney, Jr., ED VA.

The Senate Judiciary Committee has scheduled a hearing on the following judicial nominations for July 28: Kathleen M. O'Malley, Federal Circuit, and Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia. The following judicial nominations are on the Senate Judiciary Committee business meeting agenda for July 29: Mary Helen Murguia, Ninth Circuit; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS

4. **Other nominees.** The nomination of J. Patricia Wilson Smoot, to be a Commissioner on the United States Parole Commission, was approved by the Senate Judiciary Committee on July 20 and is pending on the Senate Executive Calendar. The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are pending in the Senate Judiciary Committee.

D. Briefings

1. **National Strategy for Child Exploitation Prevention and Interdiction.** The Office of the Deputy Attorney General and the Office of Legislative Affairs for the Department of Justice will hold the following briefings on the National Strategy for Child Exploitation Prevention and Interdiction:

On Wednesday, July 28, in Room 118 of the Cannon House Office Building, Congresswoman Wasserman-Schultz will be briefed.

On Thursday, July 29, in Room 2237 of the Rayburn House Office Building, the House Judiciary Committee staff will be briefed.

On Friday, July 30, in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee staff will be briefed.

E. Markups

1. **Senate Judiciary Committee.** On Thursday, July 20, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 3397, Secure and Responsible Drug Disposal Act, a bill to allow an ultimate user who has lawfully obtained a controlled substance to deliver that substance to another person for the purpose of disposal if: (1) the person receiving the controlled substance is authorized to do so; and (2) the disposal takes place in accordance with regulations to prevent diversion of controlled substances.

The Committee is also scheduled to mark up S.2925, Trafficking Deterrence and Victims Support Act, a bill to implement changes to the National Crime Information Center (NCIC) to identify endangered juveniles; to authorize the Office of Justice Programs to award one-year block grants to provide shelter and services to victims of sex trafficking and for training for law enforcement and social services; to require states to report information on missing or abducted children to the NCIC database; to require the Attorney General's annual statistical summary to include the total number of missing child reports received and the total number of entries made to the NCIC database; and to require law enforcement agencies to update the

record of a missing child with a photograph taken within the previous 180 days and to notify the National Center for Missing and Exploited Children of each report on a child missing from a foster care family home or childcare institution.

2. **House Judiciary Committee.** There is no scheduled mark up session this week.
3. **Internet Gambling.** On Tuesday, July 27, at 10:00 a.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Committee has scheduled a markup of H.R. 2267, the Internet Gambling Regulation, Consumer Protection, and Enforcement Act. The Department has not yet taken a position on this legislation. However, at the hearing last week non-governmental witnesses expressed concerns about the legislation and Members said that they would offer amendments when the bill is marked up.
4. **Government Accountability Office Improvement.** On Thursday, July 28, at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee has scheduled a markup of S. 2991, the Government Accountability Office Improvement Act of 2010, which is a bill to authorize the Comptroller General to: (1) obtain federal agency records required to discharge his or her duties, including through bringing civil actions under this Act; and (2) make and retain copies of agency records and interview federal agency officers and employees. The Department has briefed committee staff on our opposition to the bill and continues to oppose it.

F. **Floor**

1. **Oil Spill Legislation.** Several bills related to the Gulf Coast oil spill have been reported out of the relevant committees in the House and Senate, and floor action on some of these measures, either separately or in combination, is likely to be scheduled for this week in both the House and the Senate.
2. **Campaign Finance.** On July 22, Senator Schumer introduced a new version of S. 3628, the Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act. On Tuesday, July 27, the Senate will vote on cloture on the motion to proceed to consideration of the bill.

G. **Looking Ahead**

1. **Intelligence Authorization.** After intensive negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, the Administration has indicated its support for the current version of the conference report. A final vote could come soon. Meanwhile, a provision regarding GAO audits of intelligence activities that had drawn a veto threat and was stripped from the bill has been added, in slightly modified form, to the House version of the National Defense Authorization Act.
2. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out a Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further

restrict transfers from Guantánamo. It is unclear when the Senate will move to floor consideration of the bill.

3. **Guantánamo Detainees.** On a date to be determined, Brad Wiegmann, Principal Deputy Assistant Attorney General in the National Security Division, accompanied by an official from the Department of Defense, will provide an informal briefing to the majority staff on the Senate Judiciary Subcommittee on Terrorism and Homeland Security regarding law of war detention.
4. **Pigford II and Cobell Settlements.** Legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar* was included in both the Supplemental Appropriations bill that passed the House on July 1 (H.R. 4899) and the tax extender bill that previously passed the House (H.R. 4213). These provisions were deleted from the Supplemental Appropriations bill the Senate approved on July 22 and sent back to the House, and are unlikely to be included in the final measure. The fate of the tax extender bill is uncertain.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 2, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending August 6, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Preparation to Respond to a WMD Incident.** On Wednesday, August 4, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Associate Deputy Attorney General James A. Baker will testify before the Senate Judiciary Subcommittee on Terrorism and Homeland Security at a hearing entitled "Government Preparedness and Response to a Terrorist Attack Using Weapons of Mass Destruction." A major focus of the hearing will be the DOJ Inspector General's *Review of the Department's Preparation to Respond to a WMD Incident* (May 2010). Inspector General Glenn A. Fine and the Director of the Department of Homeland Security's FEMA Office of National Capital Region Coordination, Steward Beckham, also will testify.

B. Other hearings of interest to the Department

1. **Gulf Oil Spill.** On August 4, at 10:00 a.m. in Room 406 of the Dirksen Senate Office Building, the Senate Environment and Public Works Subcommittee on Oversight will hold a hearing entitled "Oversight Hearing on the Use of Oil Dispersants in the Deepwater Horizon

Oil Spill.” The Subcommittee will hear from two panels of witnesses. The first panel will include: Dr. Paul Anasta, Assistant Administrator of the United States Environment Protection Agency’s Office of Research and Development; and David Westerholm, Director of the National Oceanic and Atmospheric Administration’s Office of Response and Restoration. The second panel will include: Dr. Ronald J. Kendall, Director of the Institute of Environmental and Human Health, and Professor and Chairman of Texas Tech University’s Department of Environmental Toxicology; Dr. David C. Smith, Professor of Oceanography and Associate Dean of the Graduate School of Oceanography at the University of Rhode Island; Dr. Edward B. Overton, Professor Emeritus at Louisiana State University’s Department of Environmental Science; and Jackie Savitz, Pollution Campaign Director and Senior Scientist at Oceana.

C. Pending Nominations

1. **Department nominees.** The following nominees are pending on the Senate Executive Calendar and await Senate confirmation: James Cole, to be Deputy Attorney General, and Mary Smith, to be Assistant Attorney General for the Tax Division. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration, and Bea Hanson to be Director of the Office for Victims of Crime.

2. **U.S. Attorney nominees and U.S. Marshal nominees.** The following U.S. Attorney nominees are pending on the Senate Executive Calendar awaiting Senate confirmation: Edward L. Stanton, II, WD TN; Stephen R. Wigginton, SD IL; Timothy Purdon, ND; John Walsh, CO; John Vaudreuil, WD WI; and William J. Ihlenfeld, II, ND WV.

The following U.S. Marshal nominees are awaiting Senate confirmation: Cathy Jones, SD OH; Willie Ransome Stafford, MD NC; Arthur Darrow Baylor, MD AL; Mark Lloyd Ericks, WD WA; Joseph Patrick Faughnan, Sr. D CT; Harold Michael Oglesby, WD AR; and Conrad Ernest Candelaria, D NM. The following U.S. Marshal nominations are on the Senate Judiciary Committee business meeting agenda for August 5: Donald Martin O’Keefe, ND CA; Craig Ellis Thayer, ED WA; Joseph Anthony Papili, D DE; and James Alfred Thompson, D UT.

3. **Judicial nominees.** The nomination of Elena Kagan to the U.S. Supreme Court was reported by the Senate Judiciary Committee on July 20 by a vote of 13-6 and is on the Senate’s Executive Calendar awaiting action by the full Senate. We anticipate that floor debate on the nomination may begin on Tuesday, August 3.

The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate’s Executive Calendar awaiting action by the full Senate: Jane Stranch, Sixth Circuit; Albert Diaz, Fourth Circuit; James Wynn, Jr., Fourth Circuit; Ray Lohier, Second Circuit; Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; John J. McConnell, Jr., D RI; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Edward Chen, ND CA; Louis Butler, Jr., WD WI; Denita Pearson, ND

OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Richard Gergel, SC; Michelle Childs, SC; Catherine Eagles, MD NC; Leonard Stark, D DE; and John Gibney, Jr., ED VA.

The Senate Judiciary Committee held a hearing on the following judicial nominations for July 28: Kathleen M. O'Malley, Federal Circuit, and Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia. The following judicial nominations are on the Senate Judiciary Committee business meeting agenda for August 5, having been held over on July 29: Mary Helen Murguia, Ninth Circuit; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS

4. **Other nominees.** The nomination of J. Patricia Wilson Smoot, to be a Commissioner on the United States Parole Commission, was approved by the Senate Judiciary Committee on July 20 and is pending on the Senate Executive Calendar. The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are pending in the Senate Judiciary Committee.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, August 5, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 2925, the Trafficking Deterrence and Victims Support Act, a bill to implement changes to the National Crime Information Center (NCIC) to identify endangered juveniles; to authorize the Office of Justice Programs to award one-year block grants to provide shelter and services to victims of sex trafficking and for training for law enforcement and social services; to require states to report information on missing or abducted children to the NCIC database; to require the Attorney General's annual statistical summary to include the total number of missing child reports received and the total number of entries made to the NCIC database; and to require law enforcement agencies to update the record of a missing child with a photograph taken within the previous 180 days and to notify the National Center for Missing and Exploited Children of each report on a child missing from a foster care family home or childcare institution.
2. **House Judiciary Committee.** The House has adjourned for the August recess and there is no scheduled mark up session this week.

E. Floor

1. **Senate Floor Consideration of Nominations.** The Senate is expected to begin debate on the nomination of Elena Kagan to be an Associate Justice of the U.S. Supreme Court on Tuesday, August 3, and a vote on the nomination should come later this week. We are pressing for full Senate consideration of the nomination of James Cole to be Deputy Attorney General.
2. **Oil Spill.** On Friday, July 30, the House passed both H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, and H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act of 2009. We anticipate that the Senate will

take up S. 3663, which would overhaul federal oversight of the outer continental shelf and boost natural-gas-powered and electric cars, and also provide monies for state and federal recreational and public lands efforts, with a midweek cloture vote that is expected later this week.

F. Looking Ahead

1. **Intelligence Authorization.** After intensive negotiations to resolve Administration concerns with the Intelligence Authorization bill for FY 2010, the Administration has indicated its support for the current version of the conference report. A final vote could come soon. Meanwhile, a provision regarding GAO audits of intelligence activities that had drawn a veto threat and was stripped from the bill has been added, in slightly modified form, to the House version of the National Defense Authorization Act.
2. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out a Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo. It is anticipated that the Senate may begin floor consideration of the bill in September.
3. **Foreign Intelligence Surveillance Court.** A representative of the National Security Division will provide a classified briefing to House and Senate Judiciary and Intelligence Committee staff concerning a recent significant FISC order. Mr. Kris will be accompanied by representatives from the National Security Agency and the Office of the Director of National Intelligence.
4. **Pigford II and Cobell Settlements.** An attempt to seek cloture on a substitute amendment to the Small Business bill (HR 5297) failed, putting in jeopardy, yet again, legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar*. Provisions had been in various bills, including the Supplemental Appropriations bill (H.R. 4899) now awaiting the President's signature and tax extender legislation. Senator Reid is seeking consent to pass a free-standing bill funding the Pigford and Cobell settlements with unrelated offsets.
5. **Native Hawaiians.** Senators Akaka and Inouye remain keen to move ahead on H.R. 2314, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and providing a process for the recognition by the United States of the Native Hawaiian governing entity. It is unclear when the Senate will move to floor consideration of the bill, but both Senators continue to press Leadership for action before the August Recess.
6. **Congressional Recess.** The House began its recess on July 30, and the Senate will begin its recess on August 6. Both chambers will return on September 13.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 7, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 10, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. On Wednesday, September 8, 2010 in Las Vegas, Nevada, US Attorney Daniel Bogden will testify before the Financial Crisis Inquiry Commission on mortgage fraud.
2. There are no scheduled hearings in Washington this week. Hearings scheduled for later this month include:
 - a. **ATF Reform.** On Tuesday, September 14 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled "Firearms in Commerce: Assessing the Need for Reform in the Federal Regulatory Process." Although this is an oversight hearing, it is expected to focus on S. 941, the "Bureau of Alcohol, Tobacco, Firearms, and Explosives Reform and Firearms Modernization Act of 2009." As of this writing, we do not expect the Department to provide a witness for this hearing; however, an ATF witness may testify at a subsequent hearing before the House Judiciary

Committee, tentatively scheduled for Tuesday, September 21, on the House companion bill, H.R. 2296.

- b. **Reporting and Investigating Rape Cases.** On September 14 at 2:15 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee's Subcommittee on Crime and Drugs will hold a hearing entitled "Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases." OVW Director Sue Carbon will testify. Other witnesses will include: Carol E. Tracy, Women's Law Project, Philadelphia, PA; Lawanda Ravoira, Director, NCCD Center for Girls and Young Women, Jacksonville, FL; Eleanor Smeal, Feminist Majority Foundation, Arlington, VA; Commissioner Charles H. Ramsey, Philadelphia Police Department Philadelphia, PA; Dean G. Kilpatrick, Ph.D., Distinguished University Professor, Vice-Chair for Education, Department of Psychiatry, Director, National Crime Victims Research & Treatment Center, Medical University of South Carolina, Charleston, SC; and Sara R. Reedy of Butler, PA.

B. Pending Nominations

1. **Department nominees.** The following nomination is pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration, and Bea Hanson to be Director of the Office for Victims of Crime.
2. **Judicial nominees.** A Senate vote on the nomination of Jane Stranch for the Sixth Circuit will take place on Monday, September 13.

The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Mary Helen Murguia, Ninth Circuit; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS. The following nominations were returned to the White House: Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Louis Butler, WD WI; Edward Chen, ND CA; and John J. McConnell, Jr., D RI.

The Senate Judiciary Committee held a hearing on the following judicial nominations on July 28: Kathleen M. O'Malley, Federal Circuit, and Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia. The Committee is planning a hearing on judicial nominations for September 15th.

3. **Other nominees.** The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are pending in the Senate Judiciary Committee. The nomination of Patricia Smoot, to be a Commissioner of the United States Parole Commission, is pending on the Senate Executive Calendar.

C. **Briefings**

1. **SORNA Implementation.** On Tuesday, September 7, representatives from the Office of Legal Policy and Office of Justice Programs will brief majority staff of the Senate Judiciary Committee on potential legislative extension to the statutory deadline by which jurisdictions are required to be in compliance with the provisions of the Sex Offender Registration and Notification Act (SORNA), which was passed in 2006 as part of the Adam Walsh Child Protection and Safety Act.
2. **Office of Justice Programs.** On Tuesday, September 7, representatives from the Office of Justice Programs will meet with Senate Judiciary Committee majority staff to discuss the Justice For All Act reauthorization (including rape kit backlogs and DNA grant programs); forensic reform legislation; the Adam Walsh Act and other sex offender issues; and evidence-based law enforcement.
3. **Honest Services.** On Tuesday, September 7, representatives from the Department will provide briefings for the minority staffs of the Senate and House Judiciary Committees on the Department's response to the *Skilling* decision and proposed legislative fixes to the honest services statute.
4. **Financial Fraud.** On September 8, 2010 Assistant Attorney General Lanny Breuer will brief Senator Edward E. Kaufman (D.-DE) on financial fraud.

D. **Looking Ahead**

1. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo. It is anticipated that the Senate may begin floor consideration of the bill this month.
2. **Electronic Privacy Communications Act.** On Wednesday, September 23, at 10:00 a.m., the Department will testify before the Senate Judiciary Committee on the Electronic Communications Privacy Act (ECPA). We also will testify before the House Constitution Subcommittee at a hearing tentatively scheduled for October 7.
3. **Foreign Intelligence Surveillance Court.** The Department will provide a classified briefing, on a date to be determined, to House and Senate Judiciary and Intelligence Committee staff concerning a recent significant FISC order. Also participating in the briefing will be representatives from the National Security Agency and the Office of the Director of National Intelligence.

4. **Pigford II and Cobell Settlements.** We anticipate that further attempts will be made to enact legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar*. Possible vehicles include tax extender legislation, appropriations bills, or freestanding legislation.
5. **Native Hawaiians.** Senators Akaka and Inouye remain eager to move ahead on H.R. 2314, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and providing a process for the recognition by the United States of the Native Hawaiian governing entity. It is unclear when the Senate will move to floor consideration of the bill, but both Senators continue to press Leadership for action.
6. **Oil Spill.** On Friday, July 30, the House passed both H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, and H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act of 2009. Pending on the Senate Calendar is S. 3663, the Clean Energy Jobs and Oil Company Accountability Act of 2010, introduced by Majority Leader Reid. It will not be brought up for a vote until the leadership is assured of the 60 votes needed for cloture.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 13, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 17, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Impeachment Trial of Judge Porteous.** On Monday, September 13 at 6:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Impeachment Trial Committee will begin trial proceedings for the impeachment of Judge G. Thomas Porteous, Jr. Matthew Axelrod, Senior Counsel in the Criminal Division is a possible Department witness.
2. **Reporting and Investigating Rape Cases.** On Tuesday, September 14 at 2:15 p.m. in Room 226 of the Dirksen Senate Office Building, OVW Director Sue Carbon will testify before the Senate Judiciary Committee's Subcommittee on Crime and Drugs at a hearing entitled "Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases." Other witnesses will include: Carol E. Tracy, Women's Law Project, Philadelphia, PA; Lawanda Ravoira, Director, NCCD Center for Girls and Young Women, Jacksonville, FL; Eleanor Smeal, Feminist Majority Foundation, Arlington, VA; Commissioner Charles H. Ramsey, Philadelphia Police Department Philadelphia, PA; Dean G. Kilpatrick, Ph.D., Distinguished University Professor, Vice-Chair for Education, Department of Psychiatry, Director, National Crime Victims Research & Treatment Center, Medical University of

South Carolina, Charleston, SC; Sara R. Reedy of Butler, PA; Julie Weil, Jupiter, FL; Scott Berkowitz, President & Founder, Rape, Abuse & Incest National Network, Washington, DC; Michelle Madden Dempsey, Associate Professor of Law, Villanova University School of Law, Villanova, PA.

3. **Domestic Minor Sex Trafficking.** On Wednesday, September 15 at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, Francey Hakes, National Coordinator for Child Exploitation Prevention and Interdiction, will testify before the House Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security on "Domestic Sex Trafficking".

B. Other hearings of interest to the Department

1. **Embryonic Stem Cell Research.** On Thursday, September 16 at 10:00 a.m. in Room 124 of the Dirksen Senate Office Building, the Senate Appropriations Committee's Subcommittee on Labor-HHS will hold a hearing entitled "The Promise of Human Embryonic Stem Cell Research." Witnesses will include Francis S. Collins, Director of the National Institutes of Health.

C. Pending Nominations

1. **Department nominees.** The following nomination is pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration, and Bea Hanson to be Director of the Office for Victims of Crime.
2. **Judicial nominees.** The Senate voted to confirm the nomination of Jane Stranch for the Sixth Circuit on Monday, September 13, by a vote of 71-21.

The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr., Ninth Circuit; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Mary Helen Murguia, Ninth Circuit; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS. The following nominations were returned to the White House: Goodwin Liu, Ninth Circuit; Robert Chatigny, Second Circuit; Louis Butler, WD WI; Edward Chen, ND CA; and John J. McConnell, Jr., D RI, and were renominated on September 13.

The Senate Judiciary Committee held a hearing on the following judicial nominations on July 28: Kathleen M. O'Malley, Federal Circuit, and Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia. The nominees from the July 28th hearing, as well as the nominations of Robert Chatigny, Goodwin Liu, John J. McConnell, Jr., Louis B. Butler, Jr., and Edward M. Chen are on the Committee's markup agenda for

September 16. The Committee has scheduled a hearing for September 15th on the following nominations: Susan L. Carney, Second Circuit; Amy Totenberg, ND GA; James Boasberg and Amy Jackson, both for D DC; James Shadid and Sue Myerscough, both for CD IL.

3. **U.S. Attorneys.** The following nominees are on the Senate Judiciary Committee agenda for September 16: Michael J. Moore, MD GA, and Joseph H. Hogsett, SD IN.
4. **U.S. Marshals.** The following nominees are on the Senate Judiciary Committee agenda for September 16: Michael R. Bladel, SD IA; Kenneth J. Runde, ND IA; and James E. Clark, WD KY; and Beverly Harvard, NDGA.
5. **Other nominees.** The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are pending in the Senate Judiciary Committee. The nomination of Patricia Smoot, to be a Commissioner of the United States Parole Commission, is pending on the Senate Executive Calendar.

D. Briefings

1. **ATF Reform.** On Friday, September 10, Department officials briefed the staff of Senators Feinstein, Durbin, Schumer, Kohl, Cardin and Whitehouse on S. 941, the “Bureau of Alcohol, Tobacco, Firearms, and Explosives Reform and Firearms Modernization Act of 2009.”
2. **Foreign Intelligence Surveillance Court and the National Security Agency.** On Thursday, September 16, at 2 p.m. in HVC 304, Assistant Attorney General for National Security David Kris will provide a classified briefing to House Intelligence Committee Members concerning a recent significant FISC order. Also participating in the briefing will be Robert Litt, General Counsel of the Office of the Director of National Intelligence, and Matthew Olsen, General Counsel of the National Security Agency.
3. **United Airlines/Continental Merger.** On Thursday, September 16, at 4:30 p.m. in Rayburn 2157, representatives from the Antitrust Division will provide a briefing to staff for House Oversight and Government Reform, Domestic Policy Subcommittee Chairman Dennis Kucinich regarding the United Airlines/Continental merger.

E. Markups

On the Senate Judiciary Committee markup agenda this week are the following bills:

1. **Small Business Job Preservation Act.** S.3675, Small Business Job Preservation Act of 2010 would amend chapter 11 of title 11, United States Code, to address reorganization of small businesses.
2. **Financial Regulatory bill.** S.3717, A bill to amend the Securities Exchange Act of 1934, the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United State Code, (commonly referred to as the Freedom of Information Act).

3. **Law Student Clinic Participation Act of 2009.** S.2888, Law Student Clinic Participation Act of 2009 would amend the federal criminal code to exempt a law student or staff member participating in the legal clinic or externship of an accredited law school for a covered matter (i.e., a legal proceeding in which the United States has a direct and sustainable interest) within the scope of the clinic from the criminal conflict of interest rules applicable to federal and District of Columbia employees, unless: (1) the student or staff member has participated personally and substantially in the matter as a government employee; or (2) the matter is pending in the department or agency in which the student or staff member is serving.

F. **Looking Ahead**

a. **Committee Action**

1. **Financial Crisis Impact.** On Tuesday, September 21 at 9:00 a.m. in the Rafael Diaz-Balart Hall in the College of Law at the Modesto A. Maidique Campus of Florida International University located at 11200 SW 8th Street, Miami, Florida 33199, United States Attorney, SD FL, Wifredo A. Ferrer will testify before the Financial Crisis Inquiry Commission at a Miami field hearing entitled “The Role of Mortgage Fraud in the Financial Crisis and Its Impact on Miami, Florida.”

On Thursday, September 23 at 9:00 a.m. PST in the 1st Floor Board Room of the California Department of Education located at 1430 N Street, Sacramento, CA 95814, United States Attorney, ED CA Benjamin B. Wagner will testify before the Financial Crisis Inquiry Commission at a Sacramento field hearing entitled “The Impact of the Financial Crisis at the Ground Level – Greater Sacramento, California.”

2. **ATF Reform.** At a hearing tentatively scheduled for Wednesday, September 22, ATF Executive Assistant Director William J. Hoover will testify before the House Judiciary Crime Subcommittee regarding H.R. 2296, the “Bureau of Alcohol, Tobacco, Firearms, and Explosives Reform and Firearms Modernization Act of 2009.” We also anticipate Mr. Hoover will testify before the Senate Judiciary Committee on the Senate companion bill, S. 941, on a date to be determined.
3. **Financial Fraud.** On Wednesday, September 22 at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, FBI Assistant Director Perkins and Assistant Attorney General of the Criminal Division Lanny Breuer will testify before the Senate Judiciary Committee on financial fraud.
4. **Electronic Privacy Communications Act.** On Wednesday, September 22 at 10:00 a.m., Associate Deputy Attorney General James A. Baker will testify before the Senate Judiciary Committee on the Electronic Communications Privacy Act (ECPA). He also will appear before the House Constitution Subcommittee at a hearing tentatively scheduled for October 7.
5. **Foreign Intelligence Surveillance Act.** On Friday, September 24 at 2 p.m. in HVC 304, Representatives of the National Security Division will meet with staff of the House

Permanent Select Committee on Intelligence to discuss the June 2010 Semi-Annual Report of the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

6. **Honest Services Fraud.** On Tuesday, September 28 at 10:00 a.m. in the Dirksen Senate Office Building, Assistant Attorney General of the Criminal Division Lanny Breuer will testify before the Senate Judiciary Committee on Honest Services Fraud.

b. **Floor**

1. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo. It is anticipated that the Senate may begin floor consideration of the bill this month.
2. **Pigford II and Cobell Settlements.** We anticipate that further attempts will be made to enact legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar*. Possible vehicles include tax extender legislation, appropriations bills, or freestanding legislation.
3. **Native Hawaiians.** Senators Akaka and Inouye remain eager to move ahead on H.R. 2314, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and providing a process for the recognition by the United States of the Native Hawaiian governing entity. It is unclear when the Senate will move to floor consideration of the bill, but both Senators continue to press Leadership for action.
4. **Oil Spill.** On Friday, July 30 the House passed both H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, and H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act of 2009. Pending on the Senate Calendar is S. 3663, the Clean Energy Jobs and Oil Company Accountability Act of 2010, introduced by Majority Leader Reid. It will not be brought up for a vote until the leadership is assured of the 60 votes needed for cloture.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 20, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 24, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Financial Crisis Inquiry Commission.** On Tuesday, September 21 at 12:30 p.m. in the Rafael Diaz-Balart Hall in the College of Law at the Modesto A. Maidique Campus of Florida International University located at 11200 SW 8th Street, Miami, Florida 33199, United States Attorney Wifredo A. Ferrer will testify before the Financial Crisis Inquiry Commission at a field hearing entitled "The Role of Mortgage Fraud in the Financial Crisis and Its Impact on Miami, Florida."

On Thursday, September 23 at 9:00 a.m. PST in the 1st Floor Board Room of the California Department of Education located at 1430 N Street, Sacramento, CA 95814, United States Attorney Benjamin B. Wagner will testify before the Financial Crisis Inquiry Commission at a field hearing entitled "The Impact of the Financial Crisis at the Ground Level – Greater Sacramento, California."

2. **Terrorism Threats Facing the United States.** On Wednesday, September 22, 2010 at 10:00 a.m. in Room SD-342 of the Dirksen Senate Office Building, FBI Director Robert S.

Mueller, III will testify before the Senate Homeland Security and Governmental Affairs at a hearing entitled “Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland.” Secretary of Homeland Security Janet Napolitano and National Counterterrorism Center Director Michael Leiter will also testify.

3. **Electronic Privacy Communications Act.** On Wednesday, September 22 at 10:00 a.m., Associate Deputy Attorney General James A. Baker will testify before the Senate Judiciary Committee on the Electronic Communications Privacy Act (ECPA). Also testifying will be Cameron F. Kerry, General Counsel of the Department of Commerce. If the House is still in session, Mr. Baker also will testify before the House Constitution Subcommittee at a hearing tentatively scheduled for October 7.
4. **Financial Fraud.** On Wednesday, September 22 at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, Assistant Attorney General for the Criminal Division Lanny Breuer and FBI Assistant Director Kevin L. Perkins will testify before the Senate Judiciary Committee on financial fraud.

B. Other hearings of interest to the Department

1. **Fraud, Waste and Abuse in Medicare and Medicaid.** On Wednesday, September 23 at 10:00 a.m. in Room 2322 of the Rayburn House Office Building, Deputy Administrator and Director Peter Budetti, Center for Program Integrity, Centers for Medicare and Medicaid Services, and a representative from the Office of Inspector General will testify before the House Energy and Commerce Committee’s Subcommittee on Health at a hearing entitled “Cutting Waste, Fraud and Abuse in Medicare and Medicaid.”
2. **Minority Contracting.** On Wednesday, September 22 at 9:00 a.m. in Room 2203 of the Rayburn House Office Building, the House Oversight and Government Reform Committee’s Subcommittee on Government Management, Organization, and Procurement will hold a hearing entitled “Minority Contracting: Opportunities and Challenges for Current and Future Minority-Owned Businesses.”

C. Pending Nominations

1. **Department nominees.** The following nomination is pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration, and Bea Hanson to be Director of the Office for Victims of Crime.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr., Tenth Circuit; Mary H. Murguia, Ninth Circuit; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly

Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS.

The following nominees were held over at the Senate Judiciary Committee business meeting on September 16 and are on the agenda for the September 23 business meeting: Kathleen M. O'Malley, Federal Circuit; Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia; Robert Chatigny, Second Circuit; Goodwin Liu, Ninth Circuit; John J. McConnell, Jr., District of Rhode Island; Louis B. Butler, Jr., Western District of Wisconsin; and Edward M. Chen, Northern District of California. The Committee held a hearing on September 15th on the following nominations: Susan L. Carney, Second Circuit; Amy Totenberg, ND GA; James Boasberg and Amy Jackson, both for D DC; James Shadid and Sue Myerscough, both for CD IL. We anticipate receiving questions for the record this week.

3. **U.S. Attorneys.** The following nominees are on the Senate Judiciary Committee markup agenda for September 23: William Killian, ED TN; and Robert O'Neil, MD FL. The following nominees were approved by the Senate Judiciary Committee on September 16 and are pending on the Senate Executive Calendar: Michael J. Moore, MD GA, and Joseph H. Hogsett, SD IN.
4. **U.S. Marshals.** The following nominees are on the Senate Judiciary Committee markup agenda for September 23: Albert Najera, ED CA; David Singer, CD CA; William Sibert, ED MO; Myron Sutton, ND IN; Steven Stafford, SD CA; and Jeffrey Holt, WD TN. The following nominees were approved by the Senate Judiciary Committee on September 16 and are pending on the Senate Executive Calendar: Michael R. Bladel, SD IA; Kenneth J. Runde, ND IA; and James E. Clark, WD KY; and Beverly Harvard, NDGA.
5. **Other nominees.** The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are pending in the Senate Judiciary Committee. The nomination of Patricia Smoot, to be a Commissioner of the United States Parole Commission, was confirmed on September 16.

D. Briefings

1. **ICE withdrawal from JPATS (USMS).** On Monday, September 20 at 3:00 p.m. in Room 717 of the Hart Senate Office Building, representatives from the Department will brief the staff of the Senate Homeland Security and Governmental Affairs Committee's Subcommittee on Contracting Oversight on the impact of the withdrawal of the U.S. Immigration and Customs Enforcement from the Justice Prisoner and Alien Transport System contract.
2. **Foreign Intelligence Surveillance Act.** On Friday, September 24 at 2 p.m. in HVC 304, Representatives of the National Security Division will meet with staff of the House Permanent Select Committee on Intelligence to discuss the June 2010 Semi-Annual Report of the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

3. **Ticketmaster/LiveNation Merger.** On Monday, September 20 at 3:30 p.m. in Room 2125 of the Rayburn House Office Building, representatives from the Antitrust Division will brief staff from the House Committee on Energy and Commerce on the Ticketmaster/LiveNation merger, which was approved by the Department on January 25, 2010.
4. **Marijuana Cultivation.** On Wednesday, September 22 at 1:00 p.m. in Room 304 of the Capitol House Visitor Center, representatives from the Department of Justice and the Department of Homeland Security will brief Congressman Benny Thompson on marijuana cultivation on federal lands.

E. Markups

On Thursday, September 23 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building the Senate Judiciary Committee will markup the following bills:

1. **Small Business Job Preservation Act.** S.3675, Small Business Job Preservation Act of 2010 would amend chapter 11 of title 11, United States Code, to address reorganization of small businesses.
2. **Law Student Clinic Participation Act of 2009.** S.2888, Law Student Clinic Participation Act of 2009 would amend the federal criminal code to exempt a law student or staff member participating in the legal clinic or externship of an accredited law school for a covered matter (i.e., a legal proceeding in which the United States has a direct and sustainable interest) within the scope of the clinic from the criminal conflict of interest rules applicable to federal and District of Columbia employees, unless: (1) the student or staff member has participated personally and substantially in the matter as a government employee; or (2) the matter is pending in the department or agency in which the student or staff member is serving.
3. **Food Safety Accountability Act.** S. 3767, Food Safety Accountability Act would establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

On Thursday, September 23 at 11:00 a.m. in Room 1310 of the Longworth House Office Building, the House Administration Committee will mark up H.R. 6116, The Fair Elections Now Act, which would reform the financing of House election.

F. Looking Ahead

a. Committee Action

1. **Honest Services Fraud.** On Tuesday, September 28 at 10:00 a.m. in the Dirksen Senate Office Building, Assistant Attorney General of the Criminal Division Lanny Breuer will testify before the Senate Judiciary Committee on Honest Services Fraud.
2. **ATF Reform.** ATF Executive Assistant Director William J. Hoover will testify at hearings before the Senate Judiciary Committee and the House Judiciary Crime

Subcommittee regarding S. 941/H.R. 2296, the “Bureau of Alcohol, Tobacco, Firearms, and Explosives Reform and Firearms Modernization Act of 2009,” if and when these hearings are rescheduled.

b. Floor

1. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454). Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo. On September 16, a cloture motion was filed in the Senate on the motion to proceed to the bill, with a vote scheduled for Tuesday, September 21 at 2:15 p.m.
2. **Pigford II and Cobell Settlements.** We anticipate that further attempts will be made to enact legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar*. Possible vehicles include tax extender legislation, appropriations bills, or freestanding legislation.
3. **Native Hawaiians.** Senators Akaka and Inouye remain eager to move ahead on H.R. 2314, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and providing a process for the recognition by the United States of the Native Hawaiian governing entity. It appears unlikely that the Senate will move to floor consideration of the bill before the elections.
4. **Oil Spill.** On Friday, July 30 the House passed both H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, and H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act of 2009. Pending on the Senate Calendar is S. 3663, the Clean Energy Jobs and Oil Company Accountability Act of 2010, introduced by Majority Leader Reid. It will not be brought up for a vote before the elections.

c. Briefings

1. **Elections.** On Monday, September 27 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, representatives of the Criminal Division and the Civil Rights Division will brief staff for the House and Senate Judiciary Committees on Justice Department preparation for the 2010 general election efforts to ensure compliance with federal law.
2. **Crime in Puerto Rico.** On Tuesday, September 28, the Attorney General will meet with Congressman Pedro Pierluisi to discuss crime in Puerto Rico.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 27, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 1, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Honest Services Fraud.** On Tuesday, September 28 at 10:00 a.m. in the Dirksen Senate Office Building, Assistant Attorney General of the Criminal Division Lanny Breuer will testify before the Senate Judiciary Committee on honest services fraud.
2. **Release of Lockerbie bomber Abdelbaset Al-Megrahi.** On Wednesday, September 29 at 10 a.m. in Room 419 of the Dirksen Senate Office Building, Deputy Assistant Attorney General of the Criminal Division Bruce Swartz will testify before the Senate Foreign Relations Committee on the release of the Lockerbie bomber Abdelbaset Al-Megrahi.
3. **Courtroom Use.** On Wednesday, September 29 at 3:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee's Subcommittee on Courts and Competition Policy will hold a hearing entitled "Courtroom Use: Access to Justice, Effective Judicial Administration, and Courtroom Security." Representatives of the U.S. Marshals Service will provide a statement for the record.

B. Other hearings of interest to the Department

1. **Alcohol Regulation.** On Wednesday, September 29 at 11:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on H.R.5034, the “Comprehensive Alcohol Regulatory Effectiveness (CARE) Act of 2010.”
2. **Human Trafficking Prevention.** On Thursday, September 30 at 10:00 a.m. in Room 2172 of the Rayburn House Office Building, the House Foreign Affairs Committee will hold a hearing entitled “Out of the Shadows: The Global Fight against Human Trafficking.” The witnesses will include Luis CdeBaca, Ambassador-at-Large for the Office to Monitor and Combat Trafficking in Persons, Department of State; David Abramowitz, Director of Policy and Government Relations for Humanity United; Mark Lagon, Chairman, International Relations and Security Concentration and Visiting Professor, Georgetown University School of Foreign Service; Aruna Uprety, Founder of Rural Health Education Services and Trust and Partner, American Himalayan Foundation’s Stop Girl Trafficking Program; Neha Misra, Senior Specialist at the Migration and Human Trafficking Solidarity Center, AFL-CIO; Beryl D’souza, Medical Director and Anti-Human Trafficking Director in India, Dalit Freedom Network.

C. Pending Nominations

1. **Department nominees.** The following nomination is pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration, Bea Hanson to be Director of the Office for Victims of Crime, and Stacia Hylton, to be Director of the U.S. Marshals Service.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr., Tenth Circuit; Mary H. Murguia, Ninth Circuit; Kathleen M. O’Malley, Federal Circuit; Goodwin Liu, Ninth Circuit; James Breder, MD; Ellen Hollander, MD; Susan Nelson, MN; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS; Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia; John J. McConnell, Jr., District of Rhode Island; Louis B. Butler, Jr., Western District of Wisconsin; and Edward M. Chen, Northern District of California. The following nominations are on the Senate Judiciary Committee markup agenda for September 30: Susan L. Carney, Second Circuit; Amy Totenberg, ND GA; James Boasberg and Amy Jackson, both for D DC; James Shadid and Sue Myerscough, both for CD IL. Also on the agenda is the nomination of Robert Chaitgny, Second Circuit, who was held over again on September 23. On September 23, the Committee reported out the Liu, Chen, and Butler nomination on roll call votes of 12-7 along party lines; the vote on McConnell, D RI, was 13-6 with Senator

Graham voting for the nomination. The Committee has scheduled a hearing for September 29 on the following nominations: James E. Graves, Jr., Fifth Circuit; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward Davila, ND CA; and Diana Saldana, SD TX.

3. **U.S. Attorneys.** The following nominees are on the Senate Judiciary Committee markup agenda for September 30: Mark F. Green, ED OK, and Michael Ormsby, ED WA. The following nominees are pending on the Senate Executive Calendar: Michael J. Moore, MD GA; Joseph H. Hogsett, SD IN; William Killian, ED TN; and Robert O'Neill, MD FL.
4. **U.S. Marshals.** The following nominee is on the Senate Judiciary Committee markup agenda for September 30: Paul C. Thielen, D SD. The following nominees are pending on the Senate Executive Calendar: Michael R. Bladel, SD IA; Kenneth J. Runde, ND IA; James E. Clark, WD KY; Beverly Harvard, NDGA; Albert Najera, ED CA; David Singer, CD CA; William Sibert, ED MO; Myron Sutton, ND IN; Steven Stafford, SD CA; and Jeffrey Holt, WD TN.
5. **Other nominees.** The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are pending in the Senate Judiciary Committee.

D. Briefings

1. **Elections.** On Monday, September 27 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, representatives of the Criminal Division and the Civil Rights Division briefed staff of the House and Senate Judiciary Committees and selected others on Justice Department preparation for the 2010 general election and efforts to ensure compliance with federal law.
2. **Crime in Puerto Rico.** On Tuesday, September 28 at 11:30 a.m. in the Attorney General's Conference Room, the Attorney General, Associate Attorney General and the Assistant Attorney General for Legislative Affairs will meet with Congressman Pedro Pierluisi to discuss violent crime in Puerto Rico and corresponding federal law enforcement response.
3. **Marijuana related crime in California.** On Wednesday, September 29 at 10:00 a.m. in Room 231 of the Cannon House Office Building, representatives from the Department will brief Congressman Mike Thompson on marijuana related crime in California.

E. Markups

On Thursday, September 30 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building the Senate Judiciary Committee will mark up the following bills:

1. **Small Business Job Preservation Act.** S.3675, the Small Business Job Preservation Act of 2010 would amend chapter 11 of title 11, United States Code, to address reorganization of small businesses.

2. **Law Student Clinic Participation Act of 2009.** S.2888, the Law Student Clinic Participation Act of 2009 would amend the federal criminal code to exempt a law student or staff member participating in the legal clinic or externship of an accredited law school for a covered matter (i.e., a legal proceeding in which the United States has a direct and sustainable interest) within the scope of the clinic from the criminal conflict of interest rules applicable to federal and District of Columbia employees, unless: (1) the student or staff member has participated personally and substantially in the matter as a government employee; or (2) the matter is pending in the department or agency in which the student or staff member is serving.
3. **Combating Online Infringement and Counterfeits Act.** S.3804, the Combating Online Infringement and Counterfeits Act, would require the Department to crack down on Web sites dedicated to online infringement.

F. **Floor**

1. **Continuing Resolution.** The Senate and House are expected to take up a continuing resolution this week to keep the government running until Congress returns from the election period recess.

G. **Looking Ahead**

a. **Committee Action**

1. **ATF Reform.** ATF Executive Assistant Director William J. Hoover will testify at hearings before the Senate Judiciary Committee and the House Judiciary Crime Subcommittee regarding S. 941/H.R. 2296, the “Bureau of Alcohol, Tobacco, Firearms, and Explosives Reform and Firearms Modernization Act of 2009,” if and when these hearings are rescheduled.

b. **Floor**

1. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454), but last week, the Senate failed to invoke cloture on the motion to proceed to the bill. Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo.
2. **Pigford II and Cobell Settlements.** We anticipate that further attempts will be made to enact legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar*. Possible vehicles include tax extender legislation, appropriations bills, or freestanding legislation.
3. **Native Hawaiians.** Senators Akaka and Inouye remain eager to move ahead on H.R. 2314, a bill expressing the policy of the United States regarding the United States

relationship with Native Hawaiians and providing a process for the recognition by the United States of the Native Hawaiian governing entity. It appears unlikely that the Senate will move to floor consideration of the bill before the elections.

4. **Oil Spill.** On Friday, July 30 the House passed both H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, and H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act of 2009. Pending on the Senate Calendar is S. 3663, the Clean Energy Jobs and Oil Company Accountability Act of 2010, introduced by Majority Leader Reid. It will not be brought up for a vote before the elections.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 8, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

THROUGH: THE ASSOCIATE ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 12, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

Since Congress remains in recess until November 15, there are no scheduled hearings this week. A hearing is scheduled for November 18 on the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in the Senate Judiciary Subcommittee on Human Rights and the Law. Principal Deputy Assistant Attorney General for Civil Rights Samuel R. Bagenstos will testify, together with Melanne Verveer, Ambassador at Large for Global Women's Issues. The hearing is scheduled for 2:00 p.m. on November 18 in Room 226 of the Dirksen Senate Office Building (but it may be moved to November 17 at 9:30 a.m.)

B. Pending Nominations

1. **Department nominees.** The following nomination is pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration, Bea Hanson to be Director of the Office for Victims of Crime, and Stacia Hylton, to be Director of the U.S. Marshals Service.

2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr., Tenth Circuit; Mary H. Murguia, Ninth Circuit; Kathleen M. O'Malley, Federal Circuit; Goodwin Liu, Ninth Circuit; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS; Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia; John J. McConnell, Jr., District of Rhode Island; Louis B. Butler, Jr., Western District of Wisconsin; and Edward M. Chen, Northern District of California. We anticipate that the following nominees will be on the Senate Judiciary markup agenda for November 18: Robert Chatigny, Second Circuit; Susan Carney, Second Circuit; James E. Graves, Jr., Fifth Circuit; Amy Totenberg, ND GA; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward J. Davila, ND CA; James E. Shadid, ND IL; James E. Boasberg and Amy Berman Jackson, D DC; Sue E. Myerscough, CD IL; and Diana Saldana, SD TX. Additionally, we anticipate that the Senate Judiciary Committee will hold a hearing on judicial nominations on November 17.
3. **Other nominees.** The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are pending in the Senate Judiciary Committee.

C. **Briefings**

1. **Deferred Prosecution Agreements.** On Tuesday, November 9 at 2:00 p.m. in Room 2148 of the Rayburn House Office Building, representatives of the Criminal Division and the Deputy Attorney General's Office will brief staff of Representatives Bill Pascrell, Jr. and Frank Pallone, Jr. and the House Judiciary Subcommittee on Commercial and Administrative Law on H.R. 1947, "The Accountability in Deferred Prosecution Act of 2009."
2. **Money Laundering.** On Wednesday, November 10 at 10:00 a.m. in Room 517 of the Hart Senate Office Building, representatives from the Criminal Division will brief staff of Senator John Cornyn on the Department's anti-money laundering initiatives concerning Mexican drug cartels.
3. **Tribal Law and Order.** On Monday, November 8 at 11:30 a.m. in Room 628 of the Dirksen Senate Office Building, Associate Attorney General Thomas J. Perrelli led a briefing on the status of the Department's implementation of the Tribal Law and Order Act of 2010. Invitees included staff of the Senate Committee on Indians Affairs; the House and Senate Judiciary Committees; the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security; the House Natural Resources Committee's Office of Indian Affairs; the House and Senate Appropriations Committees; and House and Senate co-sponsors of the Tribal Law and Order Act.
4. **Drug Enforcement.** The Senate Caucus on International Narcotics Control is planning a three day staff delegation to Mexico City the week of November 8. A briefing by DEA is

included on the agenda. DEA will be represented by Mexico City Regional Director Joseph Evans.

5. **International Megan's Law.** On Tuesday, November 9 Department representatives will brief, in succession, staff of the House Judiciary Committee and the Senate Judiciary Committee on the Department's concerns regarding the International Megan's Law legislation. The House briefing will begin at 3:00 p.m. in Room 2141 of the Rayburn House Office Building, and the Senate briefing will begin at 4:15 p.m. in Room 224 of the Dirksen Senate Office Building.
6. **Joint Interagency Task Force—South.** Homeland Security and Governmental Affairs Committee Ranking Member Senator Susan Collins is planning a visit to the Joint Interagency Task Force – South for November 23. Senator Collins will be joined by Admiral Robert J. Papp, Jr., Commandant of the Coast Guard. A briefing by DEA Liaison to JIATF-S Daniel Scott is included on the agenda.

D. Looking Ahead

It remains unclear how long the “lame duck” session will last and what will be accomplished, other than passage of an omnibus appropriations bill or long-term Continuing Resolution. Among the measures of interest to the Department that may be on the agenda:

1. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454), but the Senate failed to invoke cloture on the motion to proceed to the bill. Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo.
2. **Pigford II and Cobell Settlements.** We anticipate that further attempts will be made to enact legislation to implement the settlements in *In re Black Farmers Discrimination Litigation* (Pigford II) and *Cobell v. Salazar*. Possible vehicles include tax extender legislation, appropriations bills, or freestanding legislation.
3. **Native Hawaiians.** Senators Akaka and Inouye remain eager to move ahead on H.R. 2314, a bill passed by the House that expresses the policy of the United States regarding the United States relationship with Native Hawaiians and provides a process for the recognition by the United States of the Native Hawaiian governing entity. The Departments of Justice and the Interior have drafted a joint letter of Administration support, which is pending final White House approval.
4. **USA PATRIOT Act Reauthorization.** Earlier this year, Congress passed legislation extended the three expiring provisions of the USA PATRIOT Act until February 28, 2011. Exploratory discussions are taking place with House and Senate Leadership and the Judiciary and Intelligence Committees regarding the possibility of reaching agreement on a fresh reauthorization during the lame duck session, rather than waiting until the expiration date is imminent.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 22, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 26, 2010

Congress is on recess this week, so there are no hearings, markups or floor actions.

The following is a summary of our current activities:

A. Pending Nominations

1. **Department nominees.** The following nomination is pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration (DEA), Bea Hanson to be Director of the Office for Victims of Crime, and Stacia Hylton, to be Director of the U.S. Marshals Service (USMS). The Committee held a hearing on November 17 on the nominations for DEA Administrator and USMS Director. We anticipate receiving follow-up questions for the record the week of November 22.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr., Tenth Circuit; Mary H. Murguia, Ninth Circuit; Kathleen M. O'Malley, Federal Circuit; Goodwin Liu, Ninth Circuit; James Bedard, MD; Ellen Hollander, MD; Susan Nelson, MN; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Edmond E-Min Chang, ND IL; Leslie

E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS; Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia; John J. McConnell, Jr., District of Rhode Island; Louis B. Butler, Jr., Western District of Wisconsin; and Edward M. Chen, Northern District of California.

The following nominees are on the agenda for the Senate Judiciary Committee markup on December 1: Robert Chatigny, Second Circuit; Susan Carney, Second Circuit; James E. Graves, Jr., Fifth Circuit; Amy Totenberg, ND GA; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward J. Davila, ND CA; James E. Shadid, ND IL; James E. Boasberg and Amy Berman Jackson, D DC; Sue E. Myerscough, CD IL; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward Davila, ND CA; and Diana Saldana, SD TX. We anticipate all of the nominees will be on the December 2nd markup agenda. Additionally, the Senate Judiciary Committee held a hearing on November 17 on the following judicial nominations: Max Cogburn, Jr., WD NC; Steve Jones, ND GA; and Marco Hernandez and Michael Simon, both for the District of Oregon. We anticipate receiving follow-up questions for the record the week of November 22.

3. **U.S. Attorneys.** On November 18, the Senate Judiciary Committee reported the following nominations: of William C. Eldridge, Jr., WD AR; Ripley E. Rand, MD NC; and Charles M. Oberly, III, D DE.
4. **U.S. Marshals.** On November 18, the Senate Judiciary Committee reported the following nominations: Frank Leon-Guerrero, GU and MP; Kenneth F. Bohac, CD IL; and Charles T. Weeks, WD OK.
5. **Other nominees.** The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are pending in the Senate Judiciary Committee. The Committee held a hearing on the nomination of Patti Saris on November 17. We anticipate receiving follow-up questions for the record the week of November 22.

B. Briefings

1. **Asset Forfeiture.** On Monday, November 22 at 11 a.m. in Room 502 of the Hart Senate Office Building, representatives from the Criminal Division of the Department of Justice will brief Senator Whitehouse's staff on efforts to combat bulk cash smuggling and money laundering as well as on proposed technical amendments to 28 USC 2467 regarding restraint of assets pending foreign forfeiture proceedings.

C. Looking Ahead

1. Floor

Congress returns from recess on Monday, November 29. High priority legislation to be considered includes an omnibus appropriations bill or long-term continuing resolution. Among other measures of interest to the Department that may be on the agenda:

- a. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454), but the Senate failed to invoke cloture on the motion to proceed to the bill. Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo.
- b. **Pigford II and Cobell Settlements.** On Friday, November 19, the Senate passed H.R. 4783, the Claims Resolution Act of 2010. This legislation provides for the final implementation of two litigation settlements: *In re Black Farmers Discrimination Litigation*, or *Pigford II*, providing final settlement of claims of past discrimination of black farmers, and *Cobell v. Salazar*, providing final settlement of litigation arising from resolution of Indian land trust accounts. The House is expected to take up the Senate-passed bill when Congress returns.
- c. **Native Hawaiians.** Senators Akaka and Inouye remain eager to move ahead on H.R. 2314, a bill passed by the House that expresses the policy of the United States regarding the United States relationship with Native Hawaiians and provides a process for the recognition by the United States of the Native Hawaiian governing entity.

2. **Briefings**

- a. **National Security Letter Procedures.** On Tuesday, November 30 at 1:00 P.M. in the Senate Visitors Center, FBI General Counsel Valerie Caproni and DOJ Chief Privacy and Civil Liberties Officer Nancy Libin will brief the House and Senate Judiciary and Intelligence Committee staff regarding procedures recently approved by the Attorney General for collection, use and storage of information derived from National Security Letters (NSLs).
- b. **Southwest Border Counternarcotics.** On Thursday, December 2 at 11:00 a.m. in Room 430 of the Cannon House Office Building, representatives of the Department will brief Representative Ted Poe on federal law enforcement efforts on the southwest border. DEA Deputy Chief of Operations, David Gaddis will also participate in the briefing.
- c. **Going Dark.** On Thursday, December 2 at 3:00 P.M. in Room 217 of the Senate Visitors Center, FBI and DOJ representatives will brief Senate Judiciary Committee staff on the nature and extent of the “Going Dark” problem.
- d. **Sex Offender Registry Notification Act (SORNA).** The Department is planning a briefing in early December by DOJ’s Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office for Senate Indian Affairs Committee staff to provide an update on tribal implementation of SORNA, which provides a comprehensive set of minimum standards for sex

offender registration and notification programs in the United States (Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248)).

3. **Hearings**

- a. **Foreign Corrupt Practices.** On Tuesday, November 30 at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, Greg Andres, Deputy Assistant Attorney General of the Criminal Division, will testify before the Senate Judiciary Subcommittee on Crime and Drugs at a hearing entitled “Examining Enforcement of the Foreign Corrupt Practices Act.”
- b. **Healthcare Antitrust.** On Wednesday, December 1 at 10:30 a.m. in Room 2141 of the Rayburn House Office Building, a representative of the Antitrust Division will testify at a hearing entitled “Antitrust Enforcement in the Health Care Industry.”
- c. **Southwest Border Drug Trafficking Methods.** On Thursday, December 9, the Senate Homeland Security and Government Affairs Committee is planning a hearing to examine the new methods being employed by drug trafficking organizations to penetrate the Southwest Border. Preliminary intentions are to have two panels—the first to follow up with an integrity hearing held this spring with CPB and DHA/IG, and the second to address smuggling organizations with either a focus on operations along the Southwest Border or distribution groups in the Atlanta area. DEA is being considered for the second panel, though the staff indicates the focus is undetermined. DEA representation has not been determined.

4. **Other**

- a. **USA PATRIOT Act Reauthorization.** Earlier this year, Congress passed legislation extended the three expiring provisions of the USA PATRIOT Act until February 28, 2011. On Monday, November 29, representatives of the Department will meet with House and Senate Leadership staff to discuss the prospects for completing an early reauthorization during the lame duck session, rather than waiting until next year.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 29, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 3, 2010

The following is a summary of our current activities:

A. Hearings at which the Department is testifying.

1. **Foreign Corrupt Practices.** On Tuesday, November 30 at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, Greg Andres, Deputy Assistant Attorney General in the Criminal Division, will testify before the Senate Judiciary Committee, Subcommittee on Crime and Drugs at a hearing entitled "Examining Enforcement of the Foreign Corrupt Practices Act."
2. **Healthcare Antitrust.** On Wednesday, December 1 at 10:30 a.m. in Room 2141 of the Rayburn House Office Building, Sharis Pozen, Deputy Assistant Attorney General in the Antitrust Division will testify before the House Judiciary Committee Subcommittee on Courts and Competition at a hearing entitled "Antitrust Laws and Their Effects on Healthcare Providers, Insurers and Patients."

B. Hearings of interest to the Department.

1. **Foreclosure.** On Thursday, December 2 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled "Hearing on Foreclosed Justice: Causes and Effects of the Foreclosure Crisis."

2. **Civil Liberties and National Security.** On Friday, December 3 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties will hold a hearing entitled “Civil Liberties and National Security.”

C. Pending Nominations

1. **Department nominees.** The following nomination is pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The following nominations are pending before the Senate Judiciary Committee: Michele Leonhart to be Administrator of the Drug Enforcement Administration (DEA), Bea Hanson to be Director of the Office for Victims of Crime, and Stacia Hylton, to be Director of the U.S. Marshals Service (USMS). The Committee held a hearing on November 17 on the nominations for DEA Administrator and USMS Director. After completing questions for the record, both nominees are on the Senate Judiciary Committee markup agenda for December 1.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr., Tenth Circuit; Mary H. Murguia, Ninth Circuit; Kathleen M. O'Malley, Federal Circuit; Goodwin Liu, Ninth Circuit; James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS; Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia; John J. McConnell, Jr., District of Rhode Island; Louis B. Butler, Jr., Western District of Wisconsin; and Edward M. Chen, Northern District of California.

The following nominees are on the agenda for the Senate Judiciary Committee markup on December 1: Robert Chatigny, Second Circuit; Susan Carney, Second Circuit; James E. Graves, Jr., Fifth Circuit; Amy Totenberg, ND GA; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward J. Davila, ND CA; James E. Shadid, ND IL; James E. Boasberg and Amy Berman Jackson, D DC; Sue E. Myerscough, CD IL; Paul K. Holmes, III, WD AR; Anthony J. Batiaglia, SD CA; Edward Davila, ND CA; and Diana Saldana, SD TX. We anticipate all of the nominees will be on the December 2nd markup agenda. Additionally, the Senate Judiciary Committee held a hearing on November 17 on the following judicial nominations: Max Cogburn, Jr., WD NC; Steve Jones, ND GA; and Marco Hernandez and Michael Simon, both for the District of Oregon. We anticipate receiving follow-up questions for the record the week of November 22.

3. **U.S. Attorneys.** On November 18, the Senate Judiciary Committee reported the following nominations: of William C. Eldridge, Jr., WD AR; Ripley E. Rand, MD NC; and Charles M. Oberly, III, D DE.

4. **U.S. Marshals.** On November 18, the Senate Judiciary Committee reported the following nominations: Frank Leon-Guerrero, GU and MP; Kenneth F. Bohac, CD IL; and Charles T. Weeks, WD OK.
5. **Other nominees.** The nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission are on the Senate Judiciary Committee markup agenda for December 1. The Committee held a hearing on the nomination of Patti Saris on November 17, and the nominee has completed questions for the record.

D. Briefings

1. **National Security Letter Procedures.** On Tuesday, November 30 at 1:00 P.M. in the Senate Visitors Center, FBI General Counsel Valerie Caproni and DOJ Chief Privacy and Civil Liberties Officer Nancy Libin will brief the House and Senate Judiciary and Intelligence Committee staff regarding procedures recently approved by the Attorney General for collection, use and storage of information derived from National Security Letters (NSLs).
2. **National Crime Victimization Survey (NCVS).** Department representatives will brief staff for Senators Specter, Klobuchar, Cardin and Franken offices in response to a letter signed by all four Senators requesting input on recommendations presented in studies focused on NCVS reform. This briefer will include representatives of the Bureau of Justice Statistics and is tentatively set for December 1 at 1:00 p.m. at a location to be decided.
3. **Southwest Border Counternarcotics.** On Thursday, December 2 at 11:00 a.m. in Room 430 of the Cannon House Office Building, representatives of the Department will brief Representative Ted Poe on federal law enforcement efforts on the southwest border. DEA Deputy Chief of Operations, David Gaddis will also participate in the briefing.
4. **Going Dark.** On Thursday, December 2 at 3:00 P.M. in Room 217 of the Senate Visitors Center, FBI and DOJ representatives will brief Senate Judiciary Committee staff on the nature and extent of the “Going Dark” problem.

E. Floor

Congress returns from recess on Monday, November 29. High priority legislation to be considered includes an omnibus appropriations bill or long-term continuing resolution. Among other measures of interest to the Department that may be on the agenda:

1. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454), but the Senate failed to invoke cloture on the motion to proceed to the bill. Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo.

2. **Pigford II and Cobell Settlements.** On Friday, November 19, the Senate passed H.R. 4783, the Claims Resolution Act of 2010. This legislation provides for the final implementation of two litigation settlements: *In re Black Farmers Discrimination Litigation*, or *Pigford II*, providing final settlement of claims of past discrimination of black farmers, and *Cobell v. Salazar*, providing final settlement of litigation arising from resolution of Indian land trust accounts. The House will take up the Senate-passed bill this week.
3. **Native Hawaiians.** Senators Akaka and Inouye remain eager to move ahead on H.R. 2314, a bill passed by the House that expresses the policy of the United States regarding the United States relationship with Native Hawaiians and provides a process for the recognition by the United States of the Native Hawaiian governing entity.

F. Looking Ahead

1. Briefings

- a. **Sex Offender Registry Notification Act (SORNA).** On December 6 at 3:00 p.m. the Department will brief Senate Indian Affairs Committee staff on the status of tribal implementation of the Sex Offender Registration and Notification Act (SORNA), which is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). SORNA provides a comprehensive set of minimum standards for sex offender registration and notification programs in the United States. This briefing will include staff from DOJ's Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office.

2. Hearings

- a. **Southwest Border Drug Trafficking Methods.** On Thursday, December 9, the Senate Homeland Security and Government Affairs Committee is planning a hearing to examine the new methods being employed by drug trafficking organizations to penetrate the Southwest Border. Preliminary intentions are to have two panels—the first to follow up with an integrity hearing held this spring with CPB and DHA/IG, and the second to address smuggling organizations with either a focus on operations along the Southwest Border or distribution groups in the Atlanta area. DEA is being considered for the second panel, though the staff indicates the focus is undetermined. DEA representation has not been determined.

3. Other

- a. **USA PATRIOT Act Reauthorization.** Earlier this year, Congress passed legislation extended the three expiring provisions of the USA PATRIOT Act until February 28, 2011. On Monday, November 29, representatives of the Department will meet with House and Senate Leadership staff to discuss the prospects for completing an early reauthorization during the lame duck session, rather than waiting until next year.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 6, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 10, 2010

Note: Last week, the House passed the Senate-passed version of H.R. 4783, the Claims Resolution Act of 2010, legislation to implement the settlement of *In re Black Farmers Discrimination Litigation (Pigford II)*, brought by African-American farmers, and the settlement of *Cobell v. Salazar*, brought by Native Americans regarding Indian land trust accounts held by the federal government. The President is expected to sign the bill into law.

The following is a summary of our current activities:

A. Hearings of interest to the Department.

1. **Civil Liberties and National Security.** On Thursday, December 9 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties will hold a hearing entitled "Civil Liberties and National Security." Witnesses will include Former Associate Deputy Attorney General Bruce E. Fein; Former Undersecretary of State Thomas R. Pickering; Charles "Cully" D. Stimson, senior legal fellow at the Heritage Foundation; and Laura W. Murphy, director of the Washington Legislative Office of the American Civil Liberties Union.

B. Pending Nominations

1. **Department nominees.** On Wednesday, December 1, the Senate Judiciary Committee gave voice-vote approval to Michele M. Leonhart to be Administrator of the Drug Enforcement Administration (DEA) and to Stacia Hylton to be Director of the U.S. Marshals Service

(USMS). The following nomination is pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General. The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The nomination of Bea Hanson to be Director of the Office for Victims of Crime is pending before the Senate Judiciary Committee.

2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr., Tenth Circuit; Mary H. Murguia, Ninth Circuit; Kathleen M. O'Malley, Federal Circuit; Goodwin Liu, Ninth Circuit; Susan Carney, Second Circuit; James E. Graves, Jr., Fifth Circuit; Amy Totenberg, ND GA; Anthony J. Battaglia, SD CA; Edward J. Davila, ND CA; James E. Shadid, ND IL; James E. Boasberg and Amy Berman Jackson, D DC; Sue E. Myerscough, CD IL; Paul K. Holmes, III, WD AR; Anthony J. Batiaglia, SD CA; Edward Davila, ND CA; and Diana Saldana, SD TX; James Bedard, MD; Ellen Hollander, MD; Susan Nelson, MN; Denita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS; Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia; John J. McConnell, Jr., D RI; Louis B. Butler, Jr., WD WI; and Edward M. Chen, ND CA.

The following nominees were held over on December 1 and are on the agenda for the Senate Judiciary Committee markup on December 8: Robert Chatigny, Second Circuit; Max Cogburn, Jr., WD NC; Steve Jones, ND GA; and Marco Hernandez and Michael Simon, both for the District of Oregon.

3. **U.S. Attorneys.** On November 18, the Senate Judiciary Committee reported the following nominations: of William C. Eldridge, Jr., WD AR; Ripley E. Rand, MD NC; and Charles M. Oberly, III, D DE.
4. **U.S. Marshals.** On November 18, the Senate Judiciary Committee reported the following nominations: Frank Leon-Guerrero, GU and MP; Kenneth F. Bohac, CD IL; and Charles T. Weeks, WD OK.
5. **Other nominees.** On December 1, the Senate Judiciary Committee held over the nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission. Their nominations are on the Committee's markup agenda for December 8.

C. **Markups**

On the Senate Judiciary Committee markup agenda this week are the following bills:

1. **Small Business Job Preservation Act.** S.3675, Small Business Job Preservation Act of 2010 would amend chapter 11 of title 11, United States Code, to address reorganization of small businesses.

2. **Law Student Clinic Participation Act of 2009.** S.2888, Law Student Clinic Participation Act of 2009 would amend the federal criminal code to exempt a law student or staff member participating in the legal clinic or externship of an accredited law school for a covered matter (i.e., a legal proceeding in which the United States has a direct and sustainable interest) within the scope of the clinic from the criminal conflict of interest rules applicable to federal and District of Columbia employees, unless: (1) the student or staff member has participated personally and substantially in the matter as a government employee; or (2) the matter is pending in the department or agency in which the student or staff member is serving.
3. **Child Protection Improvement Act.** S. 1598, Child Protection Improvement Act, would direct the Attorney General to: (1) establish policies and procedures for a program for national criminal history background checks for child-serving organizations; (2) assist such organizations in obtaining access to nationwide background checks; (3) establish procedures for insuring the accuracy of criminal history records; (4) identify individuals convicted of serious misdemeanors or felony involving children; and (5) collect demographic data relating to individuals organizations covered by this Act and make reports to Congress on such data. The bill would limit the liability of a child-serving organization for failure to conduct criminal background checks or to take adverse action against employees with a criminal history. The bill would impose limitations on the disclosure or use of criminal history records. Lastly, the bill would amend the PROTECT Act to provide for an extension of the Child Safety Pilot Program.

D. Briefings

1. **Sex Offender Registry Notification Act (SORNA).** On Monday, December 6 at 3:00 p.m. in the Dirksen Senate Office Building Room 632, the Department will brief Senate Indian Affairs Committee staff on the status of tribal implementation of the Sex Offender Registration and Notification Act (SORNA), which is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). SORNA provides a comprehensive set of minimum standards for sex offender registration and notification programs in the United States. This briefing will include staff from DOJ's Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office.
2. **International Megan's Law.** During the week of December 6, likely on Thursday, December 9, the Department will brief staff for the Senate Judiciary Committee, the Senate Foreign Relations Committee, the House Judiciary Committee, and Congressman Christopher H. Smith on H.R. 5138, International Megan's Law, which passed the House of Representatives in July and has been referred to the Senate Foreign Relations Committee. This briefing is a follow-up to briefings provided by the Department to staff for the House and Senate Judiciary Committees on November 9, 2010, and will include staff from the Office of the Deputy Attorney General, the Office of Legal Policy, the United States Marshals Service, INTERPOL, and OJP's Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office.

E. Floor

High priority legislation to be considered includes an omnibus appropriations bill or long-term continuing resolution. Among other measures of interest to the Department that may be on the agenda:

1. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454), but the Senate failed to invoke cloture on the motion to proceed to the bill. Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo.
2. **Native Hawaiians.** Senators Akaka and Inouye remain eager to move ahead on the Native Hawaiian Government Reorganization Act of 2010 (S. 3945), which expresses the policy of the United States regarding the United States relationship with Native Hawaiians and provides a process for the recognition by the United States of the Native Hawaiian governing entity. The Departments of Justice and the Interior are in the process of finalizing a letter of Administration support.

F. Looking Ahead

1. **USA PATRIOT Act Reauthorization.** Earlier this year, Congress passed legislation extended the three expiring provisions of the USA PATRIOT Act until February 28, 2011. Representatives of the Department are continuing efforts to complete an early reauthorization during the lame duck session, rather than waiting until next year.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 13, 2010

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich *RW*
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 17, 2010

The following is a summary of our current activities:

A. Hearings of interest to the Department.

WikiLeaks. On Thursday, December 16 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled "The Espionage Act and the Legal and Constitutional Issues Raised by WikiLeaks."

B. Pending Nominations

1. **Department nominees.** The following nominations are pending on the Senate Executive Calendar and awaiting Senate confirmation: James Cole, to be Deputy Attorney General, Michele M. Leonhart to be Administrator of the Drug Enforcement Administration (DEA) and to Stacia Hylton to be Director of the U.S. Marshals Service (USMS). The Cole nomination was reported by the Senate Judiciary Committee on July 20 by a roll call vote of 12-7. The nominations of Bea Hanson, to be Director of the Office for Victims of Crime; Timothy Feighery, to be Chairman of the Foreign Claims Settlement Commission; and Andrew Tarver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives are pending before the Senate Judiciary Committee.
2. **Judicial nominees.** The following judicial nominees have been reported by the Senate Judiciary Committee and are on the Senate's Executive Calendar awaiting action by the full Senate: Albert Diaz, Fourth Circuit; Ray Lohier, Second Circuit; Scott M. Matheson, Jr.,

Tenth Circuit; Mary H. Murguia, Ninth Circuit; Kathleen M. O'Malley, Federal Circuit; Goodwin Liu, Ninth Circuit; Susan Carney, Second Circuit; James E. Graves, Jr., Fifth Circuit; Amy Totenberg, ND GA; Anthony J. Battaglia, SD CA; Edward J. Davila, ND CA; James E. Shadid, ND IL; James E. Boasberg and Amy Berman Jackson, D DC; Sue E. Myerscough, CD IL; Paul K. Holmes, III, WD AR; Anthony J. Batiaglia, SD CA; Edward Davila, ND CA; and Diana Saldana, SD TX James Bredar, MD; Ellen Hollander, MD; Susan Nelson, MN; Benita Pearson, ND OH; LA; William Martinez, D CO; Kimberly Mueller, ED CA; Catherine Eagles, MD NC; John Gibney, Jr., ED VA; Edmond E-Min Chang, ND IL; Leslie E. Kobayashi, D HI; Denise Jefferson Casper, D MA; Carlton W. Reeves, SD MS; Robert Wilkins and Beryl Howell, both for the U.S. District Court for the District of Columbia; John J. McConnell, Jr., D RI; Louis B. Butler, Jr., WD WI; Edward M. Chen, ND CA; Max Cogburn, Jr., WD NC; Steve Jones, ND GA; and Marco Hernandez and Michael Simon, both for the District of Oregon.

Robert Chatigny, Second Circuit was held over on December 8.

3. **U.S. Attorneys.** On December 10, the Senate confirmed the following nominations: William C. Eldridge, Jr., WD AR; Ripley E. Rand, MD NC; and Charles M. Oberly, III, D DE.
4. **U.S. Marshals.** On December 10, the Senate confirmed the following nominations: Frank Leon-Guerrero, GU and MP; Kenneth F. Bohac, CD IL; and Charles T. Weeks, WD OK.
5. **Other nominees.** On December 8, the Senate Judiciary Committee approved the nominations of Patti Saris and Dabney Friedrich for the U.S. Sentencing Commission.

C. Briefings

1. **Terrorism-Related Inadmissibility Grounds.** On Thursday, December 16 at 2:00 p.m. in a location to be decided, the Departments of Justice, Homeland Security and State will brief the Senate Foreign Relations Committee, House Foreign Affairs Committee, Senate Judiciary Committee, and House Judiciary Committee on Material Support and Terrorism-Related Inadmissibility Grounds issues.
2. **Distribution of Monies from Civil and Criminal Penalties.** On Tuesday, December 14 at 3:30 p.m. in a location to be decided, representatives from the Department's Civil, Criminal and Justice Management Divisions will brief Chairman Leahy's Senate Judiciary Committee staffers on the structure of how recovered civil and criminal penalties are distributed.

D. Floor

1. **Ban on Guantanamo Bay detainee trials.** On Wednesday, December 8 the House passed a \$1.1 trillion Continuing Resolution to fund the federal government through September 30, 2011. Sections 1116 and 2210 of the House-passed Continuing Resolution ban any civilian trial for Khalid Sheikh Mohammed or any other Guantanamo Bay detainees. We are working to prevent the inclusion of these provisions in the Senate bill.

2. **National Defense Authorization.** The House has approved H.R. 5136, the National Defense Authorization Act for FY 2011. The Senate Armed Services Committee has reported out the Senate version of the bill (S. 3454), but the Senate failed to invoke cloture on the motion to proceed to the bill. Each of these measures includes provisions that are of significant concern to the Department of Justice, including provisions that would further restrict transfers from Guantánamo.
3. **The DREAM Act.** On Wednesday, December 8, the House approved H.R. 5281, the Development, Relief, and Education for Alien Minors Act of 2010 (The DREAM Act). The bill has now been sent to the Senate for its consideration. On Thursday, December 9, the Senate withdrew its own version of the DREAM Act (S. 3992), thereby, making H.R. 5281 the lead bill. The Administration supports the DREAM Act, and it is possible that the Senate will take up H.R. 5281 this week.

E. Looking Ahead

1. **USA PATRIOT Act Reauthorization.** Earlier this year, Congress passed legislation extended the three expiring provisions of the USA PATRIOT Act until February 28, 2011. Representatives of the Department are continuing efforts to complete an early reauthorization before Congress adjourns, rather than waiting until next year.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 10, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending January 14, 2011

The following is a summary of our current activities:

The House will be in pro forma session on Tuesday, January 11. On Wednesday, January 12 the House will meet for legislative business and will consider a resolution honoring Representative Giffords and those slain and injured in Saturday's shootings in Tucson. The Senate is in recess until Tuesday, January 25.

A. Hearings at which the Department is testifying

There are no scheduled hearings in Washington this week. Hearings scheduled for later this month include:

- a. **Data Retention.** On Tuesday, January 25 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on Data Retention. Deputy Assistant Attorney General Jason Weinstein is scheduled to testify.
- b. **Combating Fraud.** On Wednesday, January 26 at 10:00 a.m. in a location to be announced, the Senate Judiciary Committee will hold a hearing on Combating Fraud. Civil Division Assistant Attorney General Tony West and Criminal Division Assistant Attorney General Lanny Breuer are scheduled to testify.

B. Pending Nominations

1. **Department Nominees.** The following individuals were nominated by the President on January 5, 2011: James Cole, to be Deputy Attorney General; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; and Timothy Feighery to be Chairman of the Foreign Claims Settlement Commission.
2. **Judicial Nominees:** Additionally, the President re-nominated 8 circuit court judicial nominees and 34 district court judicial nominees, all of whom had been returned to the White House at the end of the last Congress.

C. Briefings

1. **Tax Information/Missing and Exploited Children.** During the week of January 10 (most likely on Friday, January 14) at a time and location to be announced, representatives from the Office of the Deputy Attorney General and the Criminal Division's Child Exploitation and Obscenity Section will meet with staff of the Senate Finance Committee to discuss the issue of changing the tax code to allow federal, and potentially state and local, law enforcement to obtain information from the IRS that aids in investigations of missing and exploited children.
2. **Foreign Corruption.** On Wednesday, January 19 at a time and location to be announced, representatives of the Asset Forfeiture Money Laundering Section as well as the Departments of State, Homeland Security and Defense will meet with staff of the Senate Homeland Security and Government Accountability Committee's Permanent Subcommittee on Investigations to discuss the money laundering aspects of the 2010 report called "Keeping Foreign Corruption Out of the United States: Four Case Histories."

D. Looking Ahead

1. **Southwest Border Initiatives.** As a follow up to the Attorney General's meeting with Representative Schiff on January 10, the Office of Legislative Affairs is scheduling a meeting with Criminal Division Assistant Attorney General Lanny Breuer and Representative Schiff to discuss the Criminal Division's southwest border initiatives.
2. **USA PATRIOT Act Reauthorization.** Last year, Congress passed legislation extending the three expiring provisions of the USA PATRIOT Act until February 28, 2011. With that deadline rapidly approaching, we are urging the Judiciary and Intelligence Committees to move quickly to enact legislation to reauthorize these authorities at the earliest possible date.



Office of the Assistant Attorney General

Washington, D.C. 20530

January 18, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich ^{rw}
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending January 21, 2011

The following is a summary of our current activities:

The House continues to debate repeal of the health care bill this week. The Senate is in recess until Tuesday, January 25.

A. Hearings at which the Department is testifying

There are no witnesses from the Department testifying this week, nor are there scheduled hearings of interest to the Department this week. Hearings scheduled for later this month include:

- a. **Data Retention.** On Tuesday, January 25 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on "Data Retention as a Toll for Investigating Internet Child Pornography and Other Internet Crimes." Deputy Assistant Attorney General Jason Weinstein of the Criminal Division is scheduled to testify.
- b. **Combating Fraud.** On Wednesday, January 26 at 10:00 a.m. in a location to be announced, the Senate Judiciary Committee will hold a hearing on Combating Fraud. Civil Division Assistant Attorney General Tony West and Criminal Division Assistant Attorney General Lanny Breuer are scheduled to testify.

B. Pending Nominations

1. **Department Nominees.** The following individuals were nominated by the President on January 5, 2011: James Cole, to be Deputy Attorney General; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; and Timothy Feighery to be Chairman of the Foreign Claims Settlement Commission.

Virginia Seitz's confirmation hearing before the Senate Judiciary Committee is expected to be in February.

2. **Judicial Nominees:** The President has re-nominated 8 circuit court judicial nominees and 34 district court judicial nominees, all of whom had been returned to the White House at the end of the last Congress.

C. Briefings

1. **Fingerprinting and Background Checks.** On Wednesday, January 19, representatives from the Office of Justice Programs will participate in a conference call with staff of the House Committee on Education and Labor in response to a request for a briefing on the various ways in which states and other entities use fingerprinting as part of employment background checks.
2. **Foreign Corruption.** On Wednesday, January 19 at a time and location to be announced, representatives of the Asset Forfeiture and Money Laundering Section of the Criminal Division and the Departments of State, Homeland Security and Defense will meet with staff of the Senate Homeland Security and Government Accountability Committee's Permanent Subcommittee on Investigations to discuss the money laundering aspects of the 2010 report entitled "Keeping Foreign Corruption Out of the United States: Four Case Histories."
3. **Southwest Border.** On Thursday, January 20, representatives of DOJ law enforcement components will brief the Congressional Research Service regarding "spillover" violence along the Southwest Border. Participants will include personnel from DOJ, FBI, ATF and USMS.

D. Markups

1. **House Judiciary Committee.** On Wednesday, January 19, at 3:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will meet to organize and adopt rules for the 112th Congress.

E. Looking Ahead

1. **Southwest Border Initiatives.** As a follow up to the Attorney General's meeting with Representative Schiff on January 10, the Office of Legislative Affairs is scheduling a meeting with Criminal Division Assistant Attorney General Lanny Breuer and Representative Schiff to discuss the Criminal Division's southwest border initiatives.
2. **USA PATRIOT Act Reauthorization.** Last year, Congress passed legislation extending the three expiring provisions of the USA PATRIOT Act until February 28, 2011. With that deadline rapidly approaching, we are urging the Judiciary and Intelligence Committees to move quickly to enact legislation to reauthorize these authorities at the earliest possible date.
3. **Foreign Intelligence Surveillance Act.** On Thursday, January 27 at 2:00 p.m. in Room 304 of the House Visitors' Center, National Security Division Deputy Assistant Attorney General Tashina Gauhar and staff will brief House Intelligence Committee staff about the December 2010 *Seminannual Report of the Attorney General under the Foreign Intelligence Surveillance Act of 1978*.
4. **Electronic Communications Issues.** We anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to two key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations: the Electronic Communications Privacy Act (ECPA) and the Communications Assistance for Law Enforcement Act (CALEA). We also expect work to resume on cyber security legislation in both the House and the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 24, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending January 28, 2011

The following is a summary of our current activities:

The Senate and House will meet in a joint session Tuesday night to hear the President's State of the Union speech. Both the Senate and House will be in session for the remainder of the week.

A. Hearings at which the Department is testifying

1. **Data Retention.** On Tuesday, January 25 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on "Data Retention as a Tool for Investigating Internet Child Pornography and Other Internet Crimes." Deputy Assistant Attorney General Jason Weinstein of the Criminal Division is scheduled to testify.
2. **Combating Fraud.** On Wednesday, January 26 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled "Protecting American Taxpayers: Significant Accomplishments and Ongoing Challenges in the Fight Against Fraud." Civil Division Assistant Attorney General Tony West and Criminal Division Assistant Attorney General Lanny Breuer are scheduled to testify.

B. Hearings of interest to the Department

1. **Patent and Trademark Office.** On Tuesday, January 25 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Intellectual Property, Competition and the Internet Subcommittee of the House Judiciary Committee will hold a hearing entitled, “How an Improved U.S. Patent and Trademark Office Can Create Jobs.”
2. **BP Oil Spill.** On Wednesday, January 26 at 9:30 a.m. in Room 325 of the Russell Senate Office Building, the Senate Energy and Natural Resources Committee will hold a hearing on the report of the President’s National Commission on the BP Deepwater Horizon oil spill. The House Natural Resources Committee will hold a similar hearing at 2:00 p.m. in Room 1324 of the Longworth House Office Building.

C. Pending Nominations

1. **Department Nominees.** The following individuals were nominated by the President on January 5, 2011: James Cole, to be Deputy Attorney General; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O’Donnell, to be Director of the Bureau of Justice Assistance; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; and Timothy Feighery to be Chairman of the Foreign Claims Settlement Commission.
2. **Judicial Nominees:** The following nominations are on the Senate Judiciary Committee markup calendar for January 27 at 10 a.m.: James E. Graves, Fifth Circuit; Amy Totenberg, ND GA; James E. Boasberg, D DC; Amy B. Jackson, D DC; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward Davila, ND CA; Diana Saldana, SD TX; Marco A. Hernandez, D OR; Steve Jones, ND GA; and Max O. Cogburn, Jr., WD NC.

D. Markups

Senate Judiciary Committee. On Thursday, January 27, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the Patent Lawsuit Reform Act of 2011. The bill would amend federal patent law to specify that the fine for falsely marked articles (articles falsely labeled or advertised to deceive the public into believing such articles are patented) is limited to \$500, in the aggregate, for all offenses in connection with the same articles. The bill would require a person bringing a civil action against a violator to have suffered a competitive injury and limits such person’s damages to \$500.

E. Briefings

1. **Prison Rape Elimination Act.** On Monday, January 24 at 3:30 p.m. in Room 241 of the Cannon House Office Building, representatives from the Office of the Attorney General, Office of the Deputy Attorney General, and Justice Management Division briefed Congressman Frank Wolf, Congressman Bobby Scott, and staff for both Members about the Department’s proposed rule in response to the Prison Rape Elimination Act of 2003. Congressman Wolf and Congressman Scott are the original sponsors of that legislation. On January 24, the Department released a proposed rule for publication in the Federal Register.
2. **Southwest Border Initiatives.** On Tuesday, January 25 at 11:00 a.m. in Room 2411 of the Rayburn House Office Building, the Office of Legislative Affairs and Criminal Division Assistant Attorney

General Lanny Breuer will meet with Representative Schiff to discuss the Department's southwest border initiatives.

3. **Foreign Intelligence Surveillance Act.** On Thursday, January 27 at 2:00 p.m. in Room 304 of the House Visitors' Center, National Security Division Deputy Assistant Attorney General Tashina Gauhar and other NSD staff will brief House Intelligence Committee staff on the December 2010 *Semiannual Report of the Attorney General under the Foreign Intelligence Surveillance Act of 1978*.

F. **Looking Ahead**

1. **USA PATRIOT Act Reauthorization.** Last year, Congress passed legislation extending the three expiring provisions of the USA PATRIOT Act until February 28, 2011. With that deadline rapidly approaching, we are working with the Judiciary and Intelligence Committees to ensure that these authorities are reauthorized at the earliest possible date.
2. **Electronic Communications Issues.** We anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to two key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations: the Electronic Communications Privacy Act (ECPA) and the Communications Assistance for Law Enforcement Act (CALEA). We also expect work to resume on cyber security legislation in both the House and the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 31, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich *RW*
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 4, 2011

The following is a summary of our current activities:

The Senate will be in session this week. The House will be in recess this week.

A. Hearings at which the Department is testifying

This week there are no hearings at which the Department is testifying.

B. Hearings of interest to the Department

1. **Foreclosure.** On Tuesday, February 1 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled "Foreclosure Mediation Program: Can Bankruptcy Courts Limit Homeowner and Investor Losses?"
2. **Health care.** On Wednesday, February 2 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled "The Constitutionality of the Affordable Care Act."

C. Pending Nominations

1. **Department Nominees.** The following individuals were nominated by the President on January 5, 2011: James Cole, to be Deputy Attorney General; Andrew Traver, to be Director of the Bureau of

Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; and Timothy Feighery to be Chairman of the Foreign Claims Settlement Commission.

2. **Judicial Nominees:** The following nominations are on the Senate Judiciary Committee markup calendar for February 2 at 10 a.m.: James E. Graves, Jr., Fifth Circuit; Susan Carney, Second Circuit; Amy Totenberg, ND GA; James E. Boasberg, D DC; Amy B. Jackson, D DC; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward Davila, ND CA; Diana Saldana, SD TX; Marco A. Hernandez, D OR; Steve Jones, ND GA; Max O. Cogburn, Jr., WD NC; James E. Shadid, CD IL; Sue E. Myerscough, CD IL; and Michael H. Simon, D OR.

D. Markups

Senate Judiciary Committee. On Thursday, February 3, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S.193, the USA PATRIOT Sunset Extension Act of 2011. The Committee also is scheduled to mark up S.23, the Patent Lawsuit Reform Act of 2011. The bill would amend federal patent law to specify that the fine for falsely marked articles (articles falsely labeled or advertised to deceive the public into believing such articles are patented) is limited to \$500, in the aggregate, for all offenses in connection with the same articles. The bill would require a person bringing a civil action against a violator to have suffered a competitive injury and limits such person's damages to \$500.

E. Briefings

1. **Prison Rape Elimination Act.** On Thursday, February 3, at 1:00 p.m. in Room 2237 of the Rayburn House Office Building, representatives from the Office of the Attorney General and the Office of the Deputy Attorney General will brief staff for the House Judiciary Committee on the proposed rule the Department developed in accordance with the Prison Rape Elimination Act of 2003.

On Thursday, February 3, at 2:30 p.m. in Room 224 of the Dirksen Senate Office Building, representatives from the Office of the Attorney General and the Office of the Deputy Attorney General will brief staff for the Senate Judiciary Committee on the proposed rule the Department developed in accordance with the Prison Rape Elimination Act of 2003.

2. **Obscenity Prosecution Task Force.** During the week of January 31 or the week of February 7, representatives from the Criminal Division will brief staff for Senators Hatch and Grassley on the activities of the Department's Obscenity Prosecution Task Force.

F. Looking Ahead

1. **USA PATRIOT Act Reauthorization.** Last year, Congress passed legislation extending the three expiring provisions of the USA PATRIOT Act until February 28, 2011. With that deadline rapidly approaching, we are working with the Judiciary and Intelligence Committees to ensure that these authorities are reauthorized at the earliest possible date.

2. **Electronic Communications Issues.** We anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to two key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations: the Electronic Communications Privacy Act (ECPA) and the Communications Assistance for Law Enforcement Act (CALEA). We also expect work to resume on cyber security legislation in both the House and the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 7, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 11, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Eliminating Government Waste, Fraud and Abuse.** On Wednesday, February 9 at 10:00 a.m. in Room H-309 of the Capitol, the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies will hold a hearing to help top management challenges and ways to eliminate waste, fraud and abuse. Acting Inspector General Cynthia Schnedar is scheduled to testify.
2. **Intelligence Threats.** On Thursday, February 10 at 10:00 a.m. in Room 201 of the House Visitor's Center, the House Permanent Select Committee on Intelligence will hold a hearing on world-wide threats. Robert Mueller, Director of the Federal Bureau of Investigation, is scheduled to testify. Other witnesses include James Clapper, Director of National Intelligence; Leon Panetta, Director of Central Intelligence; Michel Leiter, Director of the National Counterterrorism Center; Lt. Gen. Ronald Burgess, Director of the Defense Intelligence Agency, Department of Defense; Caryn Wagner, Undersecretary of Homeland Security for Intelligence and Analysis; Thomas Ferguson, Acting Undersecretary of Defense for Intelligence; and Philip Goldberg Assistant Secretary of State, Bureau of Intelligence and Research. The Committee will subsequently hold a closed hearing session in Room 304 of the House Visitor's Center.

B. Hearings of interest to the Department

1. **Ban on Abortion Funding.** On Tuesday, February 8 at 4:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing on H.R. 3, the No Taxpayer Funding for Abortion Act.
2. **Servicemembers Civil Relief Act.** On Wednesday, February 9 at 10:00 a.m. in Room 334 Cannon House Office Building, the House Veterans' Affairs Committee will hold a hearing entitled "Alleged Violations of the Servicemembers Civil Relief Act."
3. **E-Verify.** On Thursday, February 10 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing entitled "E-Verify – Preserving Jobs for American Workers."
4. **Regulatory Reform.** On Thursday, February 10 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing entitled "Regulatory Flexibility Improvements Act of 2011 – Unleashing Small Businesses to Create Jobs."
5. **Patent Reform.** On Friday, February 11 at 10:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled, "Crossing the Finish Line on Patent Reform: What Can and Should be Done."

C. Pending Nominations

1. **Department Nominees.** The following individuals were nominated by the President: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; and Timothy Feighery to be Chairman of the Foreign Claims Settlement Commission. The Committee held a hearing on the Feighery nomination on February 2.
2. **Judicial Nominees:** On February 3, the Senate Judiciary Committee approved the following nominations: James E. Graves, Jr., Fifth Circuit; Amy Totenberg, ND GA; James E. Boasberg, D DC; Amy B. Jackson, D DC; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward Davila, ND CA; Diana Saldana, SD TX; Marco A. Hernandez, D OR; Steve Jones, ND GA; Max O. Cogburn, Jr., WD NC; and held over the nominations of Susan Carney, Second Circuit; James E. Shadid, CD IL; Sue E. Myerscough, CD IL; and Michael H. Simon, D OR. The Committee held a hearing on February 2 on the nominations of Caitlin Halligan, D.C. Circuit; Kathleen Williams, SD FL; and Mae D'Agostino, ND NY.

D. Markups

There is no Senate Judiciary Committee mark up scheduled this week.

House Judiciary Committee. On Wednesday, February 9, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011. The Committee will also consider and adopt its Oversight Plan for the 112th Congress.

E. Briefings

1. **Synthetic Drugs.** DEA Diversion Control Deputy Assistant Administrator Joseph will conduct a series of briefings on mephedrone, K2/Spice and the emerging drug threat. On February 8, he will brief staff of Sen. Orrin Hatch; on February 9, he will brief staff of Sens. Dianne Feinstein, Chuck Grassley, and Roy Blunt and the Senate Caucus on International Narcotic Drugs; and on February 10 he will brief Rep. Sue Myrick on products marketed as “bath salts” containing mephedrone and methylenedioxypyrovalerone (MDPV).
2. **Fraud Enforcement Recovery Act.** On Thursday, February 10 at a time and location to be announced, representatives of the Department will brief Democratic staff of the House Judiciary Committee on fraud enforcement and the Department’s implementation of the Fraud Enforcement Recovery Act of 2009 (FERA).

F. Looking Ahead

1. **USA PATRIOT Act Reauthorization.** Last year, Congress passed legislation extending the three expiring provisions of the USA PATRIOT Act until February 28, 2011. With that deadline rapidly approaching, we are working intensively with the Judiciary and Intelligence Committees to ensure that these authorities are reauthorized at the earliest possible date. A number of bills are pending before the House and Senate that would reauthorize the expiring provisions for varying lengths of time. These include a 10-month extension introduced by Crime Subcommittee Chairman Sensenbrenner that will be considered by the House on February 8, and a bill introduced by Senate Intelligence Committee Chairman Feinstein which would extend the three provisions through December 2013. On January 28, the Attorney General and the Director of National Intelligence expressed the support of the Administration for the Feinstein bill.
2. **Electronic Communications Issues.** We anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to two key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations: the Electronic Communications Privacy Act (ECPA) and the Communications Assistance for Law Enforcement Act (CALEA). We also expect work to resume on cyber security legislation in both the House and the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 14, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich *RW*
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 18, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **MOVE Act.** On Tuesday, February 15 at 10:30 a.m. in Room 1310 of the Longworth House Office Building, the House Administration Committee will hold a hearing entitled "Military and Overseas Voting: Effectiveness of the Military and Overseas Voter Empowerment (MOVE) Act (PL 111-184) in the 2010 Election." Thomas Perez, Assistant Attorney General for the Civil Rights Division, will testify. His testimony will focus on the Department's "Uniformed and Overseas Citizens Absentee Voting Act Annual Report to Congress 2010."
2. **AWA Enforcement and SORNA Implementation.** On Tuesday, February 15 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on the enforcement of the Adam Walsh Act and the implementation of the Sex Offender Registration and Notification Act. SMART Office Director Baldwin and USMS Director Hylton are scheduled to testify.
3. **Health Care Fraud.** On Tuesday, February 15 at 2:30 p.m. in Room 124 of the Dirksen Senate Office Building, Assistant Attorney General for the Civil Division Tony West will testify before the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and related Agencies at a hearing entitled "Fighting Fraud and Waste in Medicare and Medicaid" on civil enforcement and pharmaceutical cases as well as misleading drug pricing and off-label marketing.

4. **Worldwide Security Threats.** On Wednesday, February 16 at 10:00 a.m. in Room 216 of the Hart Senate Office Building, FBI Director Mueller will testify before the Senate Select Committee on Intelligence at a hearing entitled “Worldwide Threats.”
5. **CALEA Reform.** On Thursday, February 17 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Valerie Caproni, General Counsel of the FBI, will testify at a hearing entitled “Going Dark: Lawful Electronic Surveillance in the Face of New Technologies.” This is an unclassified hearing regarding the widening gap between the government’s legal authority to intercept electronic communications pursuant to court order and its ability actually to intercept those communications.).
6. **Intelligence Matters.** On Thursday, February 17 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, FBI Director Mueller will testify in a closed hearing before the Senate Select Committee on Intelligence on intelligence matters.

B. Hearings of interest to the Department

1. **Net Neutrality.** On Tuesday, February 15 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition, and the Internet will hold a hearing entitled “Ensuring Competition on the Internet: Net Neutrality and Antitrust.”
2. **Constitutionality of Health Care Reform.** On Wednesday, February 16 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled “Constitutionality of the Individual Mandate.”
3. **Websites Stealing Intellectual Property.** On Wednesday, February 16 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled “Targeting Websites Dedicated to Stealing American Intellectual Property.”

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O’Donnell, to be Director of the Bureau of Justice Assistance; and Timothy Feighery to be Chairman of the Foreign Claims Settlement Commission. The Committee held a hearing on the Feighery nomination on February 2 and his nomination is on the February 17 Committee agenda.
2. **Judicial Nominees:** The following judicial nominees are pending on the Senate Executive Calendar: James E. Graves, Jr., Fifth Circuit; Amy Totenberg, ND GA; James E. Boasberg, D DC; Amy B. Jackson, D DC; Paul K. Holmes, III, WD AR; Anthony J. Battaglia, SD CA; Edward Davila, ND CA; Diana Saldana, SD TX; Marco A. Hernandez, D OR; Steve Jones, ND GA; Max O. Cogburn, Jr., WD NC. On February 7, the Senate confirmed the nominations of Paul K. Holmes, III,

WD AT; Marco A. Hernandez, D OR; and Diana Saldana, SD TX. On February 14, the Senate voted to confirm James E. Graves, Jr., Fifth Circuit, and Edward Davila, ND CA.

The Committee held a hearing on February 2 on the nominations of Caitlin Halligan, D.C. Circuit; Kathleen Williams, SD FL; and Mae D'Agostino, ND NY. The following nominations are on the Committee's agenda for February 17: Susan Carney, Second Circuit; James E. Shadid, CD IL; Sue E. Myerscough, CD IL; Michael H. Simon, D OR; Kathleen Williams, SD FL; and Mae D'Agostino, ND NY.

The Committee has scheduled a hearing for February 16 on the following nominees: Jimmie V. Reyna, Federal Circuit; Vincent L. Briccetti, SD NY; John A. Kronstadt, CD CA; Arenda L. Wright Allen, ED VA; Michael F. Urbanski, WD VA.

D. Markups

1. **House Judiciary Committee.** On Wednesday, February 16, at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 5, a bill to overhaul the medical malpractice liability system.
2. **Senate Judiciary Committee.** On Thursday, February 17, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 193, the USA PATRIOT Act Sunset Extension Act of 2011, which would extend three expiring FISA authorities until December 2013. It also would include a number of provisions to enhance civil liberties protections with respect to the use of those authorities. (N.B. As described below, the full Senate is expected to consider legislation this week to extend the three authorities, but is not expected to agree to the other changes included in S. 193. The Committee will mark up S. 49, the Railroad Antitrust Enforcement Act of 2011 which will repeal antitrust exemptions protecting freight railroads from competition. The Committee will also consider its Committee Rules and Authorizing Resolution.

E. Briefings

1. **NIJ activities.** On Monday, February 14 at 2:00 p.m. in Room 224 of the Dirksen Senate Office Building, John Laub, the Director of the Office of Justice Program's National Institute of Justice (NIJ) provided the Senate Judiciary majority staff with an overview of the activities of the NIJ.
2. **NASPER Reauthorization.** On Tuesday, February 15 at 1:00 p.m. in Room 711 of the Hart Senate Office Building, staff from the Office of Justice Programs and the Office of National Drug Control Policy will meet with staff of Senator Durbin and Senator Sessions to discuss the reauthorization of the National All Schedules Prescription Electronic Reporting Act (NASPER).
3. **Human Rights Law Enforcement.** On Tuesday, February 15 at 3:30 p.m. in Room 711 of the Hart Senate Office Building, representatives of the Criminal Division and the FBI will provide an update on human rights law enforcement activities to the staff of the Senate Judiciary Subcommittee on Human Rights and the Law.

F. Floor

1. **FY 2011 Spending.** The House will take up H.R. 1, the Continuing Appropriations Act for FY 2011.
2. **FAA Reauthorization.** The Senate will resume consideration of S. 223, the Federal Aviation Administration reauthorization.
3. **USA PATRIOT Act Reauthorization.** On February 14, the House passed H.R. 514, which would extend the three expiring provisions of the USA PATRIOT Act until December 8, 2011. A Statement of Administration Policy issued on February 8 stated that the Administration does not oppose the bill, but expressed a strong preference for legislation such as S. 289, introduced by Senate Intelligence Committee Chairman Feinstein, which would extend the three provisions through December 2013. The Senate is expected to agree to legislation to extend these provisions this week before adjourning for the Presidents Day district work period, though it remains uncertain for what period of time.

G. Looking Ahead

1. **Electronic Communications Issues.** We anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to two key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations: the Electronic Communications Privacy Act (ECPA) and the Communications Assistance for Law Enforcement Act (CALEA). (Please note the hearing on CALEA reform described above.) We also expect work to resume on cyber security legislation in both the House and the Senate.
2. **CEJA.** Senate Judiciary Committee staff have indicated that they are planning a March 1 hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA). We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 28, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich *RW*
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 4, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **FY 2012 Budget.** On Tuesday, March 1 at 9:00 a.m. in Room 2539 of the Rayburn House Office Building, Attorney General Eric Holder will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the FY 2012 Budget.
2. **Missing Children.** On Wednesday, March 2 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Assistant Director for the Federal Bureau of Investigation Kevin Perkins will testify before the Senate Judiciary Committee at a hearing entitled "Helping Law Enforcement Find Missing Children."

B. Hearings of interest to the Department

1. **Health Care Fraud.** On Wednesday, March 2 at 10:00 a.m. in Room 215 of the Dirksen Senate Office Building, the Senate Finance Committee will hold a hearing entitled "Preventing health Care Fraud: New Tools and Approaches to Combat Old Challenges."

On Wednesday, March 2 at 2:00 p.m. in Room 1100 of the Longworth House Office Building, the House Ways and Means Subcommittee on Oversight will hold a hearing entitled "Improving Efforts to Combat Health Care Fraud."

2. **Employment for People with Intellectual Disabilities.** On Wednesday, March 2 at 10:00 a.m. in Room 430 of the Dirksen Senate Office Building, the Senate Health, Education, Labor and Pensions Committee will hold a hearing entitled “Improving Employment Opportunities for People with Intellectual Disabilities.”
3. **Streamlining the Nominations Process.** On Wednesday, March 2 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing entitled “Eliminating Bottlenecks: Streamlining the Nominations Process.”

C. **Pending Nominations**

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Timothy Feighery to be Chairman of the Foreign Claims Settlement Commission; and Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA. The Committee held a hearing on the Feighery nomination on February 2 and his nomination was held over on February 17. His nomination is on the Committee's agenda for March 3.
2. **Judicial Nominees:** The following judicial nominees are pending on the Senate Executive Calendar: Susan Carney, Second Circuit; James E. Boasberg, D DC; Amy B. Jackson, D DC; Anthony J. Battaglia, SD CA; Max O. Cogburn, Jr., WD NC; Sue E. Myerscough, DC IL; James E. Shadid, CD IL; and Michael H. Simon, D OR. On February 7, the Senate confirmed the nominations of Paul K. Holmes, III, WD AT; Marco A. Hernandez, D OR; and Diana Saldana, SD TX. On February 14, the Senate voted to confirm James E. Graves, Jr., Fifth Circuit, and Edward Davila, ND CA. On February 28, the Senate voted to confirm Amy Totenberg, ND GA and Steve Jones, ND GA.

The following nominations are on the Committee's agenda for March 3: Caitlin Halligan, D.C. Circuit; Jimmie V. Reyna, Federal Circuit; James E. Shadid, CD IL; Sue E. Myerscough, CD IL; Michael H. Simon, D OR; Kathleen Williams, SD FL; Mae D'Agostino, ND NY; John A. Kronstadt, DC CA; Vincent L. Briccetti, SD NY; Arenda L. Wright Allen, ED VA; and Michael F. Urbanski, WD VA.

The Committee has scheduled a hearing for March 2 on the following nominees: Goodwin Liu, Ninth Circuit; Kevin Hunter Sharp, MD TN; Roy Bale Dalton, Jr. MD FI.; Claire C. Cecchi, D NJ; and Ester Salas, D NJ.

D. **Markups**

1. **House Judiciary Committee.** On Wednesday, March 2, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 3, the No Taxpayer Funding for Abortion Act.

2. **Senate Judiciary Committee.** On Thursday, March 3, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to resume its markup of S. 193, the USA PATRIOT Act Sunset Extension Act of 2011, which would extend three expiring FISA authorities until December 2013. It also would include a number of provisions to enhance civil liberties protections with respect to the use of those authorities. The Committee also is scheduled to mark up S. 49, the Railroad Antitrust Enforcement Act of 2011 which will repeal antitrust exemptions protecting freight railroads from competition; and S. 222, the Limiting Investor and Homeowner Loss in Foreclosure Act of 2010 which will authorize a bankruptcy court to establish a loss mitigation program for the negotiation of consensual alternatives to avoid foreclosure between an individual debtor and the holder of a claim secured by a security interest in the debtor's principal residence.

E. Briefings

1. **Patriot Act Renewal.** On Monday, February 28, the Department participated in classified briefings to the Senate Judiciary and Intelligence Committees and the House Judiciary Committee on issues related to the FISA authorities that are set to expire on May 27, 2011. The briefers were National Security Division Assistant Attorney General David Kris, Federal Bureau of Investigation General Counsel Valerie Caproni, Office of the Director of National Intelligence General Counsel Robert Litt and National Security Agency General Counsel Matthew. Both briefings were classified at the TS/SCI level.
2. **Economic Espionage Act.** Representatives from the Criminal Division and the National Security Division will brief Senate Judiciary staff on the enforcement of the Economic Espionage Act. The briefing originally was scheduled for March 1 at Main Justice, but it is being rescheduled.
3. **OJP "Race to the Top".** On Wednesday, March 2 at 2:30 p.m. in Room 224 of the Dirksen Senate Office Building, representatives from the Office of Justice Programs will provide Senate Judiciary staff with an overview of the Office of Juvenile Justice and Delinquency Prevention's new "Race to the Top"-style funding program, which was part of the President's FY2012 budget request.
4. **NDIC activities.** On Wednesday, March 2 at 4:00 p.m. in Room B40B of the Dirksen Senate Office Building, representatives from the National Drug Intelligence Center will provide Senator Pat Toomey (R-PA) with a briefing on the impact of NDIC's proposed FY 2012 funding level of \$25 million.

F. Floor

1. **FY 2011 Spending.** On Saturday, February 19, the House passed H.R. 1, the Continuing Appropriations Act for FY 2011. On Monday, February 28, the House Appropriations Committee proposed a new Continuing Resolution which provides funding through March 18. This Continuing Resolution, which includes an additional \$4 billion in spending reductions, is scheduled to be on the House floor on Tuesday, March 1.
2. **USA PATRIOT Act Reauthorization.** On February 25, the president signed legislation to extend the three expiring provisions of the Foreign Intelligence Surveillance Act (FISA) Act

until March 27, 2011. The Administration supports legislation such as S. 289, introduced by Senate Intelligence Committee Chairman Feinstein, and S. 193, introduced by Senate Judiciary Committee Chairman Leahy, which would extend the three provisions through December 2013.

G. Looking Ahead

1. **Electronic Communications Issues.** We anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to two key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations: the Electronic Communications Privacy Act (ECPA) and the Communications Assistance for Law Enforcement Act (CALEA). We also expect work to resume on cyber security legislation in both the House and the Senate. The Department is working with our interagency partners to develop cleared positions on these matters.
2. **CEJA.** Senate Judiciary Committee staff have indicated that they are planning an April hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA). We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 7, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich *RW*
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 11, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **USA PATRIOT ACT Renewal.** On Wednesday, March 9 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, Todd Hinnen, Acting Assistant Attorney General for the National Security Division, will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security at a hearing entitled "The Reauthorization of the PATRIOT ACT." This hearing will focus on the three FISA authorities recently extended by Congress and scheduled to sunset on May 27, 2011 unless reauthorized. (A second hearing, tentatively set for March 30, will examine other provisions of the USA PATRIOT Act.)
2. **Health Care Fraud.** On Wednesday, March 9 at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, Greg Andres, Deputy Assistant Attorney General for the Criminal Division, will testify before the Senate Homeland Security and Government Affairs Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security at a hearing entitled "New Tools for Curbing Waste and Fraud in Medicare and Medicaid."
3. **FY 2012 Budget.** On Thursday, March 10 at 11:00 a.m. in Room 192 of the Dirksen Senate Office Building, Attorney General Eric Holder will testify before the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies at a hearing on the FY 2012 Budget.

B. Hearings of interest to the Department

1. **Patent Law.** On Thursday, March 10 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the Senate Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled “Review of Recent Judicial Decisions on Patent Law.”
2. **Lawsuit Reduction.** On Friday, March 11 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing on legislation entitled the “Lawsuit Abuse Reduction Act.”

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Timothy Feighery to be Chairman of the Foreign Claims Settlement Commission; and Thomas Harrigan, to be Deputy Administrator of Drug Enforcement Administration. On March 3, the Feighery nomination was reported out of Committee. The Cole nomination is on the Committee's agenda for consideration on March 10.
2. **Judicial Nominees:** The following judicial nominees are pending on the Senate Executive Calendar: Max O. Cogburn, Jr., WD NC; James E. Boasberg, D DC; Amy B. Jackson, D DC; Susan Carney, Second Circuit; Michael H. Simon, D OR; and Mae D'Agostino, ND NY. On March 7, the Senate voted to confirm: Anthony J. Battaglia, SD CA; Sue E. Myerscough, DC IL; James E. Shadid, CD IL.

The following judicial nominations are on the Committee's agenda for March 10: Caitlin J. Halligan, D.C. Circuit; Jimmie V. Reyna, Federal Circuit; John A. Kronstadt, CD CA; Vincent L. Briccetti, SD NY; Arenda L. Wright Allen, ED VA; Michael F. Urbanski, WD VA; and Edward Chen, ND CA.

The Committee held a hearing on March 2 on the following nominees: Goodwin Liu, Ninth Circuit; Kevin Hunter Sharp, MD TN; Roy Bale Dalton, Jr. MD FL; Claire C. Cecchi, D NJ; and Ester Salas, D NJ.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, March 10, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to resume its markup of S. 193, the USA PATRIOT Act Sunset Extension Act of 2011, which would extend three expiring FISA authorities until December 2013. It also would include a number of provisions to enhance civil liberties protections with respect to the use of those authorities. The Committee also is scheduled to mark up S. 49, the Railroad Antitrust Enforcement Act of 2011, which would repeal antitrust exemptions protecting freight railroads from competition; and S. 222, the Limiting Investor and Homeowner Loss in Foreclosure Act, which would amend Title 11 of the United States Code to allow bankruptcy courts to

maintain loss mitigation programs to get parties to avoid foreclosure through consensual alternatives.

2. **House Permanent Select Committee on Intelligence.** On Thursday, March 10, at 10:00 a.m. in Room 304 of the House Visitors' Center, the House Permanent Select Committee on Intelligence is scheduled to mark up the FY 2011 Intelligence Authorization Bill.

E. Floor

1. **FY 2011 Spending.** Until March 18, the government is operating under H.J. Res. 44, the Further Continuing Appropriations Amendments, 2010 (PL 112-4). Test votes are expected in the Senate this week on both H.R. 1, the Continuing Appropriations Act for FY 2011, and the Democratic alternative, Senate Amendment 149, the "Department of Defense and Full-Year Continuing Appropriations Act, 2011."
2. **Patent Law Reform.** On Tuesday, March 08, 2011, the Senate is expected to vote on final passage of S. 23, a bill introduced by Senate Judiciary Committee Chairman Leahy to overhaul the U.S. patent system.

F. Looking Ahead

1. **Electronic Communications Issues.** We anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to two key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations: the Electronic Communications Privacy Act (ECPA) and the Communications Assistance for Law Enforcement Act (CALEA). We also expect work to resume on cyber security legislation in both the House and the Senate. The Department is working with our interagency partners to develop cleared positions on these matters.
2. **CEJA.** Senate Judiciary Committee staff have indicated that they are planning an April hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA). We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 14, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 18, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **FY 2012 Budget.** On Tuesday, March 15 at 10:00 a.m. in Room 309 of the House Visitors' Center, Harley Lappin will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the FY 2012 Budget.

On Wednesday, March 16 at 10:00 a.m. in Room 309 of the House Visitors' Center, DEA Administrator Michele Leonhart will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the FY 2012 Budget

2. **Freedom of Information Act (FOIA).** On Tuesday, March 15 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Melanie Pustay, Director of the Department's Office of Information Policy, will testify before the Senate Judiciary Committee at a hearing entitled "The Freedom of Information Act: Ensuring Transparency and Accountability in the Digital Age."
3. **Federal Bureau of Investigation Oversight.** On Wednesday, March 16 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Robert S. Mueller III, Director of the FBI, will testify before the Senate Judiciary Committee at an FBI oversight hearing.

4. **USA PATRIOT ACT Reauthorization.** On Thursday, March 17 at 10:00 a.m. in Room 304 of the House Visitors' Center, Acting Assistant Attorney General for the National Security Division Todd Hinnen and Executive Assistant Director for the FBI Sean Joyce will testify before the House Permanent Select Committee on Intelligence.

B. Hearings of interest to the Department

1. **Patent Law.** On Monday, March 14 at 4:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled "Promoting Investment and Protecting Commerce Online: Legitimate Sites v. Parasites, Part I."
2. **Tribal Programs.** On Tuesday, March 15 at 10:00 a.m. in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold an oversight hearing on the President's Fiscal Year 2012 Budget for Tribal Programs.
3. **Wireless Tax.** On Tuesday, March 15 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing entitled "Wireless Tax Fairness Act of 2011."
4. **Law of War Detention and Guantanamo Bay Overview.** On Thursday, March 17, at 1:00 p.m. in Room 2118 of the Rayburn House Office Building, Deputy Secretary of Defense William Lynn and DOD General Counsel Jeh Johnson will testify before the House Armed Services Committee concerning the President's Executive Order establishing periodic review boards for Guantanamo Bay Detention Center detainees.

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; and Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA. On March 10, the Senate confirmed the Feighery nomination by unanimous consent. The Cole nomination was held over on March 10 and is on the Committee's agenda for March 17.
2. **Judicial Nominees:** The following judicial nominees are pending on the Senate Executive Calendar: Susan Carney, Second Circuit; Jimmie V. Reyna, Federal Circuit; Caitlin Halligan, D.C. Circuit; Amy B. Jackson, D DC; Michael H. Simon, D OR; Mae D'Agostino, ND NY; James E. Shadid, CD IL; Sue E. Myerscough, CD IL; Michael H. Simon, D OR; Kathleen Williams, SD FL; Mae D'Agostino, ND NY; John A. Kronstadt, DC CA; Vincent L. Briccetti, SD NY; Arenda L. Wright Allen, ED VA; and Michael F. Urbanski, WD VA. On March 10, the Senate voted to confirm Max O. Cogburn. On March 14, the Senate voted to confirm the nomination of James E. Boasberg, D DC

On March 16, the Committee will hold a hearing to consider the following nominations: Bernice Bouie Donald, Sixth Circuit; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; and Ramona Villagomez Manglona, D NMI. The nomination of Edward Chen, ND CA is on the Committee's agenda for March 17.

The Committee held a hearing for March 2 on the following nominees: Goodwin Liu, Ninth Circuit; Kevin Hunter Sharp, MD TN; Roy Bale Dalton, Jr. MD FL; Claire C. Cecchi, D NJ; and Ester Salas, D NJ.

D. Markups

1. **House Judiciary Committee.** On Thursday, March 17, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation: H.R. 1021, the Temporary Bankruptcy Judgeships Extension Act of 2011 which will prevent the termination of the temporary office of bankruptcy judges in certain judicial districts; H.R. __, the "Patent Continuing Disclosure Act"; H.R. 986, "To provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs"; and H. Con. Res. 13, the "Reaffirming 'In God We Trust' as the official motto of the United States and supporting and encouraging the public display of the national motto in a public buildings, public schools, and other government institutions."
2. **Senate Judiciary Committee.** On Thursday, March 17, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to resume its markup of S. 222, the Limiting Investor and Homeowner Loss in Foreclosure Act, which would amend Title 11 to allow bankruptcy courts to maintain loss mitigation programs to get parties to avoid foreclosure through consensual alternatives. The Committee also is scheduled to markup S. 410, the Sunshine in the Courtroom Act, which would authorize the presiding judge of a U.S. appellate court or U.S. district court to permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides, except when such action would constitute a violation of the due process rights of any party. The Committee also is scheduled to markup S. 216, the Food Safety Accountability Act which would increase criminal penalties for certain knowing and intentional violations relating to food that is misbranded or adulterated.

E. Briefings

1. **Drug Smuggling and Trafficking.** On Tuesday, March 15, representatives of the Drug Enforcement Administration will brief the staff of the Senate Homeland Security Committee's Subcommittee on Disaster Recovery and Intergovernmental Affairs on the current smuggling methods utilized by Mexican Drug Cartels to ship drugs into and distribute through the United States. Also, on Tuesday, March 15, representatives of the Drug Enforcement Administration will brief staff of Senator Marco Rubio on the ongoing drug trafficking in Venezuela.

2. **Southwest Border.** On Tuesday, March 15, ATF Acting Director Melson will meet with Congressman Reyes to discuss ATF activities and successes along the Southwest border and ATF's current budget and staffing.
3. **False Claims Act.** On Tuesday, March 15, representatives from the Civil Division will brief the House Judiciary Majority staff on the Department's approach to litigating false claims act cases.
4. **Going Dark.** On Thursday, March 17, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, representatives from the FBI will provide an unclassified briefing on the "Going Dark" problem to the staff of the Senate Judiciary Committee.
5. **Amerithrax.** On Thursday, March 17, representatives from the FBI will brief Congressman Rush Holt concerning the National Research Council (NRC) of the National Academy of Sciences (NAS) report, "Review of the Scientific Approaches Used During the FBI's Investigation of the 2001 Anthrax Letters."

F. Floor

FY 2011 Spending. Until March 18, the government is operating under H.J. Res. 44, the Further Continuing Appropriations Amendments, 2010 (PL 112-4). On Wednesday, March 9, H.R. 1 and the Democratic alternative, Senate Amendment 149, the Department of Defense and Full-Year Continuing Appropriations Act, 2011" both failed to pass in the Senate. On March 11, House Appropriations Chairman Hal Rogers introduced H.J. Res. 48, Further Continuing Appropriations Amendments, 2011, to fund the federal government at current rates for three weeks—until April 8—while cutting \$6 billion in spending.

G. Looking Ahead

1. **Electronic Communications Issues.** We anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to two key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations: the Electronic Communications Privacy Act (ECPA) and the Communications Assistance for Law Enforcement Act (CALEA). We also expect work to resume on cyber security legislation in both the House and the Senate. The Department is working with our interagency partners to develop cleared positions on these matters.
2. **CEJA.** Senate Judiciary Committee staff have indicated that they are planning an April hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA). We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.
3. **Public Corruption Hearings/Legislation.** House Judiciary Committee has tentatively scheduled a hearing for Thursday, April 14 on public corruption issues and its proposed legislation which intends to introduce in the near future.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 28, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 1, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Religious Liberty.** On Tuesday, March 29 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Assistant Attorney General for the Civil Rights Division Thomas Perez will testify before the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights at a hearing entitled "Protecting the Civil Rights of American Muslims."
2. **FBI Oversight.** On Wednesday, March 30 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, FBI Director Robert Mueller will testify before the Senate Judiciary Committee at a hearing on FBI Oversight.
3. **FY 2012 Budget.** On Wednesday, March 30 at 10:00 a.m. in Room 309 of the House Visitors' Center, Assistant Attorney General for the Office of Justice Programs Laurie Robinson will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the FY 2012 budget.
4. **USA PATRIOT Act Renewal.** On Wednesday, March 30 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Acting Assistant Attorney General for the National Security Division Todd Hinnen will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at a hearing entitled "The Permanent Provisions of the PATRIOT Act (PL 107-56)."

5. **Gang Importation of Drugs.** On Thursday, March 31 at 10:00 a.m., Assistant Administrator and Chief of Operations for the DEA Thomas Harrigan will testify before the Senate Homeland Security and Government Affairs Subcommittee on Disaster Recovery and Intergovernmental Affairs at a hearing entitled, “Exploring Drug Gangs’ Ever Evolving Tactics to Penetrate the Border and the Federal Government’s Efforts to Stop Them.”

B. Hearings of interest to the Department

1. **Regulatory Agency Issues.** On Tuesday, March 29 at 4:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing entitled “Raising the Agencies’ Grades—Protecting the Economy, Assuring Regulatory Quality and Improving Assessments of Regulatory Need.”
2. **America Invents Act.** On Wednesday, March 30 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing on the America Invents Act.
3. **DHS and FOIA.** On Thursday, March 31 at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing entitled “Why Isn’t the Department of Homeland Security Meeting the President’s Standard on FOIA?”
4. **H-1B Worker Visa Issues.** On Thursday, March 31 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing entitled “H-1B Visas: Designing a Program to Meet the Needs of the U.S. Economy and U.S. Workers.”
5. **Mexican Drug Cartels.** On Thursday, March 31 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Oversight, Investigations, and Management will hold a hearing entitled “The U.S. Homeland Security Role in the Mexican War Against Drug Cartels.” The DEA will submit a written statement in lieu of sending a witness to the hearing.
6. **Counternarcotics.** On Thursday, March 31 at 10:00 a.m. in Room 419 of the Dirksen Senate Office Building, the Senate Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs will hold a hearing entitled “A Shared Responsibility: Counternarcotics and Citizen Security in the Americas.”
7. **2010 Election.** On Thursday, March 31 at 10:30 am in Room 1310 of the Longworth House Office Building, the House Administration Committee will hold a hearing entitled, “The 2010 Election: A Look Back At What Went Right and Wrong.”
8. **Financial Markets.** On Friday, April 1 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled “Competition and Consolidation in Financial Markets.”

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; and Lisa Monaco, to be Assistant Attorney General for the National Security Division. On March 17, the Cole nomination was reported out of Committee.

On March 30, the Committee will hold a hearing on the following nominations: Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; and Denise O'Donnell, to be Director of the Bureau of Justice Assistance.

2. **Judicial Nominees:** The following judicial nominees are pending on the Senate Executive Calendar: Susan Carney, Second Circuit; Jimmie V. Reyna, Federal Circuit; Caitlin Halligan, D.C. Circuit; Michael H. Simon, D OR; John A. Kronstadt, DC CA; Vincent L. Briccetti, SD NY; Arenda L. Wright Allen, ED VA; Michael F. Urbanski, WD VA and Edward Chen, ND CA. On March 14, the Senate voted to confirm the nomination of James E. Boasberg, D DC. On March 17, the Senate voted to confirm the nomination of Amy B. Jackson, D DC. On March 28, the Senate voted to confirm the nomination of Mae D'Agostino, ND NY.

On March 31, the Committee is scheduled to vote on the nomination of Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; and Ramona V. Manglona, D NMI as well as the following nominees previously held over on March 17: Goodwin Liu, Ninth Circuit; Kevin Hunter Sharp, MD TN; John J. McConnell, D RI; Roy Bale Dalton, Jr., MD FL; Claire C. Cecchi, D NJ.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys: Ronald W. Sharpe, D VI; Felicia C. Adams, ND MS; Thomas Gray Walker, Ed NC; and S. Amanda Marshall, D OR.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; and Clayton D. Johnson, ND OK.

D. Markups

Senate Judiciary Committee. On Thursday, March 31 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation: S. 222, Limiting Investor and Homeowner Loss in Foreclosure Act; S. 216, Food Safety Accountability Act; S. 410, Sunshine in the Courtroom Act; S. 627, Faster FOIA Act; and S. 394, No Oil Producing and Exporting Cartels Act (NOPEC).

E. Briefings

1. **Human Trafficking.** On Tuesday, March 29 at 10:30 a.m. in Room 224 of the Dirksen Senate Office Building, Department representatives will provide a briefing for **Senator Leahy's staff** on activities of the Criminal and Civil Rights Division's efforts to enforce anti-human trafficking statutes and provide input on how the TVPA has been working so far.
2. **High-Value Detainee Interrogation Group (HIG).** On Tuesday, March 29 at 2:00 p.m. in Room 304 of the House Visitors' Center, HIG Director Andrew McCabe will brief the Chair, Ranking Minority Member and Staff Directors of the House Permanent Select Committee on Intelligence regarding HIG deployments.
3. **Mortgage Fraud.** On Thursday, March 31 at 2:00 p.m., the Financial Fraud Enforcement Task Force and representatives from the Associate Attorney General's Office will provide a briefing for the Banking Committee bipartisan staff on efforts of the task force to address mortgage fraud. Possibly this week, the task force and representatives of the Executive Office of United States Attorneys will provide a similar briefing for staffs of Senator Nelson and Representative Wasserman-Schultz.

F. Floor

1. **FY 2011 Spending.** Until April 8, the government is operating under P.L. 112-6, the Further Continuing Appropriations Amendments, 2011. The Obama Administration and Congressional leadership continue negotiations on a long-term spending plan this week.
2. **FAA Authorization.** H.R. 658, FAA Authorization bill is scheduled to be on the House floor Thursday, March 31 and Friday, April 1. This bill, if passed, has implications for FAA access to NCIC records.

G. Looking Ahead

1. **Electronic Communications Issues.** The Department of Justice will testify before the Senate Judiciary Committee on Wednesday, April 6, on proposals to amend the Electronic Communications Privacy Act, one of the key statutes on which the Department relies in connection with anti-terrorism and law enforcement investigations. We also anticipate that both the Senate and House Judiciary Committees will soon begin consideration of possible amendments to the Communications Assistance for Law Enforcement Act (CALEA). In addition, we expect work to resume in the near future on cyber security legislation in both the House and the Senate. The Department is working with our interagency partners to develop cleared positions on these matters.
2. **CEJA.** Senate Judiciary Committee staff have indicated that they are planning an April hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA). We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.

3. **Public Corruption Hearings/Legislation.** House Judiciary Committee has tentatively scheduled a hearing for Thursday, April 14 on public corruption issues and its proposed legislation.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 4, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 8, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Health Care Fraud.** On Tuesday, April 5 at 1:30 p.m. in Room 2154 of the Rayburn House Office Building, Loretta Lynch, United States Attorney for the Eastern District of New York, will testify before the House Oversight and Government Reform Subcommittee on Health, District of Columbia, Census and the National Archives at a hearing on health care fraud.
2. **ECPA.** On Wednesday, April 6 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Associate Deputy Attorney General James Baker will testify before the Senate Judiciary Committee at a hearing entitled "The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age." Cameron F. Kerry, General Counsel for the Department of Commerce, will also be testifying.
3. **Synthetic Drugs.** On Wednesday, April 6 at 2:30 p.m. in Room 138 of the Dirksen Senate Office Building, DEA Deputy Assistant Administrator Joseph T. Rannazzisi will testify before the Senate Caucus on International Narcotics Control at a hearing on synthetic drugs.
4. **FY 2012 Budget.** On Wednesday, April 6 at 9:00 a.m. in Room 2359 of the Rayburn House Office Building, FBI Director Robert Mueller will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the FY 2012 budget. On Thursday, April 7 at a time and location to be announced he will testify at a similar hearing before the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies.

B. Hearings of interest to the Department

1. **GTMO Detainee Trials.** On Tuesday, April 5 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing entitled “Justice for America: Using Military Commissions to Try the 9/11 Conspirators.” Witnesses will include the following: David Beamer, father of Todd Beamer, who died on UA Flight 93; Charles Stimson, Senior Legal Fellow, Heritage Foundation; Stephanie Hessler, fellow, Manhattan Institute for Policy research; and Stephen Saltzburg, Professor of Law, George Washington University.
2. **Indian Land Fractionation.** On Tuesday, April 5 at 11:00 a.m. in Room 1334 of the Longworth House Office Building, the House Natural Resources Subcommittee on Indian and Alaska Native Affairs will hold a hearing on H.R. 887 which would direct the secretary of the Interior to submit a report on Indian land fractionation.
3. **“SAFE for America Act.”** On Tuesday, April 5 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee will hold a hearing on H.R. 704, the “Security and Fairness Enhancement for America Act of 2011” or “SAFE for America Act” which would amend the Immigration and Nationality Act to eliminate the diversity immigrant program.
4. **Protecting Commerce Online.** On Wednesday, April 6 at 10:45 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled, “Promoting Investment and Protecting Commerce Online: Legitimate Sites v. Parasites, Part II.”
5. **SBA 8(a) Program in Indian Country.** On Thursday, April 7 immediately following the business meeting scheduled for 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, Senate Committee on Indian Affairs will hold an oversight hearing entitled "Promise Fulfilled: The Role of the SBA 8(a) Program in Enhancing Economic Development in Indian Country."

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; and Lisa Monaco, to be Assistant Attorney General for the National Security Division. On March 17, the Cole nomination was reported out of Committee.

On March 30, the Committee held a hearing on the following nominations: Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; and Denise O'Donnell, to be Director of the Bureau of Justice Assistance.

2. **Judicial Nominees:** The following judicial nominees are pending on the Senate Executive Calendar: Susan Carney, Second Circuit; Caitlin Halligan, D.C. Circuit; Michael H. Simon, D OR; John A. Kronstadt, DC CA; Vincent L. Briccetti, SD NY; Arenda L. Wright Allen, ED VA; Michael F. Urbanski, WD VA; Edward Chen, ND CA; Kevin Hunter Sharp, MD TN; John J. McConnell, D RI; Roy Bale Dalton, Jr., MD FL; and Claire C. Cecchi, D NJ. On April 4, the Senate voted to confirm Jimmie V. Reyna to the Federal Circuit. On April 7, the Committee is scheduled to vote on the following nominations: Goodwin Liu, Ninth Circuit; Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; and Ramona V. Manglona, D NMI.
3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys: Ronald W. Sharpe, D VI; Felicia C. Adams, ND MS; Thomas Gray Walker, Ed NC; S. Amanda Marshall, D OR; and George L. Beck, MD AL.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; and David L. McNulty, ND NY.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, April 7 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation: S. 410, Sunshine in the Courtroom Act; S. 627, Faster FOIA Act; and S. 394, No Oil Producing and Exporting Cartels Act.
2. **Senate Committee on Indian Affairs.** On Thursday, April 7 at 2:15 pm in Room 628 of the Dirksen Senate Office Building, the Senate Committee on Indian Affairs will markup S. 675, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; and S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

E. Briefings

1. **INTERPOL 101.** On Monday, April 4 at 10:30 a.m., Department representatives briefed Senator Mikulski and the staff of the Senate Appropriations Committee on INTERPOL.
2. **Counterintelligence Threats.** On Thursday, April 14 at 5:00 p.m. in Room 304 of the House Visitors' Center, Assistant Director for the FBI C. Frank Figliuzzi and Deputy Assistant Director Bob Anderson will brief Members of the House Permanent Select Committee on Intelligence about certain counterintelligence threats.

F. Floor

1. **FY 2011 Spending.** Until April 8, the government is operating under P.L. 112-6, the Further Continuing Appropriations Amendments, 2011. The Obama Administration and Congressional leadership continue negotiations on a long-term spending plan this week.
2. **FAA Authorization.** On Friday, April 1, the House passed H.R. 658, FAA Authorization bill. The Senate passed its version (S. 223) on February 7. The conference process might begin this week. Conferees will have to handle a number of high-profile disagreements. If passed, the law would have implications for FAA access to NCIC records.

G. Looking Ahead

1. **CEJA.** Senate Judiciary Committee staff have indicated that they are planning an April hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA). We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.
2. **Public Corruption Hearings/Legislation.** The House Judiciary Committee will likely schedule a hearing in May on public corruption issues and its proposed legislation.
3. **Detainee Transfer Policy.** On Wednesday, April 13 at 2:00 p.m. in Room 2118 of the Rayburn House Office Building, Principal Deputy Assistant Attorney General for the National Security Division Brad Wiegmann will testify before the House Armed Services Subcommittee on Oversight and Investigations at a hearing on detainee transfer policy and recidivism.
4. **FY 2012 NIP Funding.** On Thursday, April 14 at 10:00 a.m. in Room 2118 of the Rayburn House Office Building, FBI Executive Assistant Director Sean Joyce will testify at a hearing before the House Permanent Select Committee on Intelligence on FY 2012 FBI NIP funding.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 11, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 15, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Cyber Security.** On Tuesday, April 12 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, Deputy Assistant Attorney General for the Criminal Division Jason Weinstein and FBI Assistant Director for the Cyber Division Gordon Snow will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing entitled "Cyber Security: Responding to the Threat of Cyber Crime and Terrorism.
2. **Crime Victims.** On Wednesday, April 13 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Principal Deputy Assistant Attorney General for the Office of Justice Programs Mary Lou Leary will testify before the Senate Judiciary Committee at a hearing entitled "Fulfilling Our Commitment to Support Victims of Crime."
3. **Guantanamo Detainees.** On Wednesday, April 13 at 2:00 p.m. in Room 2118 of the Rayburn House Office Building, Principal Deputy Assistant Attorney General for the National Security Division Brad Wiegmann will testify before the House Armed Service Subcommittee on Oversight and Investigations at a hearing on detainee transfer policy and recidivism. This will be a closed briefing followed by an open hearing. Other invited witnesses include Deputy Assistant Secretary of Defense William Lietzau, Ambassador Daniel Fried, Director of Policy and Strategy for the Office of the Director of National Intelligence Corin Stone, and Director of Joint Intelligence TF-Combating Terrorism for the Defense Intelligence Agency Harry Mornston.

4. **FY 2012 Budget.** On Thursday, April 14 at 10:00 a.m. in Room 2118 of the Rayburn House Office Building, FBI Executive Assistant Director Sean Joyce will testify before the House Permanent Select Committee on Intelligence at a hearing on FY 2012 FBI NIP funding. On Thursday, April 7 at a time and location to be announced he will testify at a similar hearing before the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies. DHS Under Secretary for the Office of Intelligence and Analysis Caryn Wagner will also testify.
5. **Prescription Drug Diversion.** On Thursday, April 14 at 9:30 a.m. in Room 2123 of the Rayburn House Office Building, DEA Administrator Michele Leonhart will testify before the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade at a hearing entitled, "Warning: The Growing Danger of Prescription Drug Diversion." Director of the Office of National Drug Control Policy Gil Kerlikowske has been invited to testify.

B. Hearings of interest to the Department

1. **Campaign Finance.** On Tuesday, April 12 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights will hold a hearing entitled, "The Fair Elections Now Act: A Comprehensive Response to Citizens United."
2. **H-2A Visas.** On Wednesday, April 13 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing entitled "The H-2A Visa Program: Meeting the Growing Needs of American Agriculture?"
3. **DOMA.** On Friday, April 14 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing entitled "Defending Marriage."
4. **Election Assistance Commission.** On Thursday, April 14 at 10:30 a.m. in Room 1310 of the Longworth House Office Building, the House Administration Subcommittee on Elections will hold a hearing entitled, "H.R. 672 – To Terminate the Election Assistance Commission."

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; and Lisa Monaco, to be Assistant Attorney General for the National Security Division. On March 17, the Cole nomination was reported out of Committee.

On April 13, the Committee will hold a hearing on the nomination of Lisa Monaco to be Assistant Attorney General for the National Security Division. On April 14, the Committee

will vote on the nominations of Virginia Seitz, to be Assistant Attorney General for Legal Counsel, and Denise E. O'Donnell, to be Director of the Bureau of Justice Assistance.

2. **Judicial Nominees:** The following judicial nominees are pending on the Senate Executive Calendar: Susan Carney, Second Circuit; Goodwin Liu, Ninth Circuit; Caitlin Halligan, D.C. Circuit; Michael H. Simon, D OR; John A. Kronstadt, DC CA; Vincent L. Briccetti, SD NY; Arenda L. Wright Allen, ED VA; Michael F. Urbanski, WD VA; Edward Chen, ND CA; Kevin Hunter Sharp, MD TN; John J. McConnell, D RI; Roy Bale Dalton, Jr., MD FL; Claire C. Cecchi, D NJ; Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; and Ramona V. Manglona, D NMI.

On April 12, the Senate is scheduled to vote on the nominations of Vincent L. Briccetti, SD NY, and John A. Kronstadt, DC CA. On April 13, the Committee will hold a hearing on the following nominations: Henry F. Floyd, Fourth Circuit; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; and Sara L. Darrow, CD IL. On April 14, the Committee will vote on the nomination of Bernice Bouie Donald, Sixth Circuit.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys: Ronald W. Sharpe, D VI; Felicia C. Adams, ND MS; Thomas Gray Walker, Ed NC; S. Amanda Marshall, D OR; and George L. Beck, MD AL.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; and David L. McNulty, ND NY.

D. Markups

1. **House Judiciary Committee.** On Thursday, April 14 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 1249, the “America Invents Act,” which would amend the federal patent law in a number of ways, including by replacing the “first-to-invent” system with “first-to-file.”
2. **Senate Judiciary Committee.** On Thursday, April 14 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 350, the Environmental Crimes Enforcement Act, which would direct the U.S. Sentencing Commission to review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act.

The Committee is also scheduled to mark up S. 623, the Sunshine in Litigation Act, which would prohibit a court, in any civil action in which the pleadings state facts relevant to the protection of public health or safety, from entering an order restricting the disclosure of information obtained through discovery, approving a settlement agreement that would restrict such disclosure, or restricting access to court records, unless in connection with such order the court has first made certain, specified independent findings of fact.

E. Briefings

1. **USA PATRIOT Act.** On Wednesday, April 13 at 4:00 p.m. in Room 301 of the House Visitors' Center, Acting Assistant Attorney General for the National Security Division Todd Hinnen, General Counsel for the FBI Valerie Caproni, General Counsel for the Office of the Director of National Intelligence Bob Litt and Associate Deputy General Counsel for the National Security Agency Paul Morris will provide a classified briefing on the USA PATRIOT Act to Republican Members of the House Judiciary Committee. A similar briefing was offered to the Democratic Members.

F. Floor

FY 2011 Spending. Until April 15, the government is operating under P.L 112-8, Department of Defense and Further Additional Continuing Appropriations Amendments, 2011. Both Houses of Congress will vote this week on fiscal 2011 spending for the remainder of the year.

G. Looking Ahead

1. **CEJA.** Senate Judiciary Committee staff have indicated that they are planning an April hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA). We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.
2. **Public Corruption Hearings/Legislation.** The House Judiciary Committee will likely schedule a hearing in May on public corruption issues and proposed legislation to respond to this problem.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 2, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich *RW*
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 6, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **DOJ Oversight.** On Tuesday, May 3 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building, Attorney General Eric Holder will testify before the House Judiciary Committee on Oversight of the Department of Justice.

On Wednesday, May 4 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Attorney General Eric Holder will testify before the Senate Judiciary Committee on Oversight of the Department of Justice.

B. Hearings of interest to the Department

1. **ICANN.** On Thursday, May 4 at 10:00 a.m. in Room 2241 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled "Internet Corporation for Assigned Names and Numbers (ICANN) Generic Top-Level Domains (gTLD) Oversight Hearing."

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and

Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Lisa Monaco, to be Assistant Attorney General for the National Security Division; and Anuj Desai, to be a member on the Foreign Claims Settlement Commission. On March 17, the Cole nomination was reported out of Committee.

On May 5, the Senate Judiciary Committee is scheduled to vote on the nominations of Virginia Seitz, to be Assistant Attorney General for Legal Counsel, and Denise E. O'Donnell, to be Director of the Bureau of Justice Assistance. Also on the Committee's agenda for May 5 are Lisa Monaco, to be Assistant Attorney General for the National Security Division, and Donald Verrilli, to be Solicitor General. On May 17, the Senate Select Committee on Intelligence will hold a hearing on the nomination of Lisa Monaco to be Assistant Attorney General for the National Security Division.

2. **Judicial Nominees:** The following judicial nominees are pending on the Senate Executive Calendar: Susan Carney, Second Circuit; Goodwin Liu, Ninth Circuit; Caitlin Halligan, D.C. Circuit; Michael H. Simon, D OR; Arenda L. Wright Allen, ED VA; Michael F. Urbanski, WD VA; Edward Chen, ND CA; Kevin Hunter Sharp, MD TN; John J. McConnell, D RI; Roy Bale Dalton, Jr., MD FL; Claire C. Cecchi, D NJ; Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; and Ramona V. Manglona, D NMI.

On May 4, the Committee is scheduled to hold a hearing on the following nominations: John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II; ED NY. On the Committee's agenda for May 5 are the nominations of Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; and Sara L. Darrow, CD IL. On Monday May 2, the Senate voted to confirm Roy Bale Dalton, Jr., MD FL; and Kevin Hunter Sharp, MD TN.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys: Ronald W. Sharpe, D VI; Felicia C. Adams, ND MS; Thomas Gray Walker, Ed NC; S. Amanda Marshall, D OR; and George L. Beck, MD AL.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; and David L. McNulty, ND NY.

D. Markups

Senate Judiciary Committee. On Thursday, May 5 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 350, the Environmental Crimes Enforcement Act, which would direct the U.S. Sentencing Commission to review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act.

The Committee is also scheduled to mark up S. 623, the Sunshine in Litigation Act, which would prohibit a court, in any civil action in which the pleadings state facts relevant to the protection of public health or safety, from entering an order restricting the disclosure of information obtained through discovery, approving a settlement agreement that would restrict such disclosure, or restricting access to court records, unless in connection with such order the court has first made certain, specified independent findings of fact.

E. Briefings

1. **CJIS Capabilities.** On Monday, May 2 at 11:00 a.m., representatives from the Department will brief the staff of the House Judiciary Committee on the Criminal Justice Information Services Division (CJIS) capabilities and civilian background checks.
2. **Going Dark.** On Monday, May 2 at 1:00 p.m. in Room 560 of the Dirksen Senate Office Building, representatives from the Department will brief the Minority staff for the Senate Commerce Committee on the “Going Dark” problem.
3. **Law Enforcement 101.** On Tuesday, May 3 at 3:30 p.m. in Room 2103 of the Rayburn House Office Building, senior representatives of the Department’s law enforcement agencies will brief House staffers and Members of the House Law Enforcement Caucus on the missions of the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons, the Drug Enforcement Administration, the Federal Bureau of Investigation and the U.S. Marshals Service. Representatives from U.S. Customs and Border Patrol and U.S. Immigration and Customs Enforcement also have been invited to attend. There will not be media present at this event.

F. Floor

1. **Healthcare Funding.** On Tuesday, May 3 the House will take up three measures to repeal funding for the recently-enacted health care reforms. H.R. 1213 would repeal mandatory funding provided to states to establish health insurance exchanges, H.R. 1214 would repeal mandatory funding for school-based health center construction, and H.R. 3 would permanently prohibit federal funding of abortions, except in cases of rape, incest or danger to the woman’s life.
2. **Offshore Oil and Gas Leasing.** On Thursday, May 5, the House will take up H.R. 1229, the Putting the Gulf of Mexico Back to Work Act, and H.R. 1230, the Restarting American Offshore Leasing Now Act. These bills would impose timelines on Interior for considering offshore drilling permits while requiring the Obama administration to conduct lease sales in the Gulf of Mexico and off the Virginia coast.
3. **Tax breaks for Oil and Gas Companies.** On Monday, May 2 the Senate is scheduled to take up a bill to eliminate tax breaks for oil and gas companies.

4. **Small Business Research.** On Monday, May 2 the Senate is scheduled to take up S. 493, SBIR/STTR Reauthorization Act, which would reauthorize the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTF) programs of the Small Business Administration through FY 2019.
5. **Cloture on McConnell nomination.** Majority Leader Reid has filed cloture on the nomination of John McConnell to be a judge on the U.S. District Court in Rhode Island.

G. Looking Ahead

1. **CEJA.** Senate Judiciary Committee has scheduled a hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA) for May 25. We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.
2. **Public Corruption Hearings/Legislation.** The House Judiciary Committee will likely schedule a hearing in June on public corruption issues and proposed legislation to respond to this problem.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 9, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 13, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Mobile Privacy.** On Tuesday, May 10 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Deputy Assistant Attorney General for the Criminal Division Jason Weinstein will testify before the Senate Judiciary Subcommittee on Privacy, Technology and the Law at a hearing entitled "Protecting Mobile Privacy: Your Smartphones, Tablets, Cell Phones and Your Privacy."
2. **Drug Cartels and Border Violence.** On Wednesday, May 11 at 10:00 a.m. in Room 311 of the Cannon House Office Building, Deputy Chief of Staff and Counselor to the Assistant Attorney General for the Criminal Division Amy Pope will testify before the House Homeland Security Subcommittee on Oversight, Investigations, and Management at a hearing entitled "On the Border and in the Line of Fire: U.S. Law Enforcement, Homeland Security and Drug Cartel Violence."
3. **Cybersecurity.** On Thursday, May 12 at 10:00 a.m. in Room 253 of the Russell Senate Office Building, FBI Assistant Director for the Cyber Division Gordon Snow will testify before the Senate Commerce, Science, and Transportation Committee at a hearing entitled "Economic Ramifications of Cyber Threats and Vulnerabilities to the Private Sector."

B. Hearings of interest to the Department

1. **USA PATRIOT ACT.** On Wednesday, May 11 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing entitled “The USA PATRIOT Act: Dispelling the Myths.”
2. **AT&T/T-Mobile Merger.** On Wednesday, May 11 at 10:15 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a hearing entitled “The AT&T/T-Mobile Merger: Is Humpty Dumpty Being Put Back Together Again?”
3. **Secure Visas Act.** On Wednesday, May 11 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing on H.R. 1741, the “Secure Visas Act.”
4. **National Security Intelligence.** On Thursday, May 12 at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing entitled “Ten Years After 9/11: Is Intelligence Reform Working?” The hearing will focus on whether efforts to overhaul the nation’s intelligence apparatus are working. Witnesses will include the Honorable Jane Harman, Former Representative from California and Chair of the Homeland Security Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment; the Honorable Michael V. Hayden, Former Director of the Central Intelligence Agency and former Director of the National Security Agency; and John Gannon, Former Deputy Director for Intelligence at the Central Intelligence Agency.
5. **Federal Deficit and the Constitution.** On Friday, May 13 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing entitled “Whether the Constitution Should be Amended to Address the Federal Deficit.”
6. **Securities Fraud.** On Friday, May 13 at 10:00 a.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Subcommittee on Oversight and Investigations will hold a hearing entitled “Stanford Ponzi Scheme: Lessons for Protecting Investors from the Next Securities Fraud.”
7. **Dodd-Frank Whistleblower Provisions.** On Friday, May 13 at 2:00 p.m. in Room 2128 of the Rayburn House Office Building, the Financial Services Subcommittee on Capital Markets and Government Sponsored Enterprises will hold a hearing entitled “Legislative Proposals to Address the Negative Consequences of the Dodd-Frank Whistleblower Provisions.”

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Lisa Monaco, to be Assistant Attorney General for the National Security Division; and Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission. On March 17, the Cole nomination was reported out of Committee. On May 9, the Senate held a cloture vote on the Cole nomination. The vote was 50-40, so cloture was not invoked.

Also on May 9, the Senate Judiciary Committee reported the nominations of Virginia Seitz, to be Assistant Attorney General for Legal Counsel; Denise E. O'Donnell, to be Director of the Bureau of Justice Assistance; and Lisa Monaco, to be Assistant Attorney General for the National Security Division. The nomination of Donald Verrilli, to be Solicitor General, is on the agenda for the Judiciary Committee's business meeting on May 12 at 10:00 a.m.

On May 17, the Senate Select Committee on Intelligence will hold a hearing on the nomination of Lisa Monaco to be Assistant Attorney General for the National Security Division.

2. **Judicial Nominees.** The following judicial nominees are pending on the Senate Executive Calendar: Edward Chen, ND CA; Susan Carney, Second Circuit; Goodwin Liu, Ninth Circuit; Caitlin Halligan, D.C. Circuit; Michael H. Simon, D OR; Arenda L. Wright Allen, ED VA; Michael F. Urbanski, WD VA; Claire C. Cecchi, D NJ; Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; and Ramona V. Manglona, D NMI. A unanimous consent agreement has been reached for a debate and vote on the Chen nomination at a time to be determined.

On May 9, the Committee reported the nomination of Bernice Bouie Donald, Sixth Circuit.

The following nominations are on the agenda for the Senate Judiciary Committee's business meeting on May 12: Henry Floyd, Fourth Circuit; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; and Sara L. Darrow, CD IL.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys and their nominations are pending in Committee: Ronald W. Sharpe, D VI; Felicia C. Adams, ND MS; Thomas Gray Walker, Ed NC; S. Amanda Marshall, D OR; and George L. Beck, MD AL.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in Committee: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; and David L. McNulty, ND NY; Dennis J. Erby, ND MS; and Edward M. Spooner, ND FL.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, May 12 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 350, the Environmental Crimes Enforcement Act, which would direct the U.S. Sentencing Commission to review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act. Additionally, the Committee is scheduled to mark up S. 623, the Sunshine in Litigation Act, which would prohibit a court, in any civil action in which the pleadings state facts relevant to the protection of public health or safety, from entering an order restricting the disclosure of information obtained through discovery, approving a settlement agreement that would restrict such disclosure, or restricting access to court records, unless in connection with such order the court has first made certain, specified independent findings of fact. The Committee is also scheduled to mark up a bill on tax fraud protections entitled the “Fighting Fraud to Protect Taxpayers Act.”
2. **House Judiciary Committee.** On Thursday, May 12 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 1800, the FISA Sunsets Reauthorization Act, which would extend two expiring FISA provisions of the USA PATRIOT Act until 2017 and make permanent the “lone wolf” provision enacted under the Intelligence Reform and Terrorism Prevention Act of 2004.

E. Briefings

1. **Transnational Organized Crime.** On Tuesday, May 10 at 9:30 a.m. in Room 717 of the Hart Senate Office Building, Assistant Attorney General Lanny Breuer of the Criminal Division will discuss Departmental efforts to combat transnational organized crime with Senator Sheldon Whitehouse.
2. **DNA Backlog.** On Thursday, May 12 at 3:00 p.m. in Room 224 of the Dirksen Senate Office Building, representatives from the Office of Justice Programs and the National Institute for Justice will brief staff for Senators Leahy and Franken on Debbie Smith Act backlog reduction issues and how funds under the Act are being spent.
3. **Judicial Assistance to Latin America.** On Thursday, May 12 at 4:30 p.m. in 331 Hart Senate Office Building, representatives from the Criminal Division will brief staff for Senate Caucus on International Narcotics Control Chairman Dianne Feinstein on DOJ-funded training programs in Colombia, Mexico, and Central America.
4. **ICITAP/INL Coordination.** On Friday, May 13 at 11:00 a.m. in a location to be decided, representatives from the Criminal Division, including its International Criminal Investigative Training Assistance Program, will join representatives from the State Department’s Bureau of International Narcotics and Law Enforcement at a briefing for House Foreign Affairs Committee staff on the working relationship and activities of ICITAP and INL.

F. Floor

1. **Offshore Oil Drilling Permits and Leases.** On Tuesday May 10, the House will consider H.R. 1229, the “Putting the Gulf of Mexico Back to Work Act” relating to offshore oil drilling permits and leases. On Wednesday May 11, the House will consider H.R. 1231, the Reversing President Obama’s Offshore Moratorium Act.”
2. **Intelligence Authorization.** Later in the week, the House will consider H.R. 754, the Intelligence Authorization Act.

G. Looking Ahead

1. **CEJA.** Senate Judiciary Committee has scheduled a hearing on the Civilian Extraterritorial Jurisdiction Act (CEJA) for May 25. We are working through OMB to clear Administration talking points on the measure so that we will be in a position to testify and to influence the revised bill before it is introduced.
2. **Public Corruption Hearings/Legislation.** The House Judiciary Committee will likely schedule a hearing in June on public corruption issues and proposed legislation to respond to this problem.
3. **Civil Rights Division Oversight.** The House Judiciary Subcommittee on the Constitution will hold an oversight hearing on the Civil Rights Division on June 1.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 16, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 20, 2011

The following is a summary of our current activities:

The House is in recess this week.

A. Hearings at which the Department is testifying

1. **Immigration Court System.** On Wednesday, May 18 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Juan Osuna, Acting Director of the Executive Office of Immigration Review, will testify before the Senate Judiciary Committee at a hearing entitled "Improving Efficiency and Ensuring Justice in the Immigration Court System."
2. **Budgetary Matters and Domestic Intelligence.** On Thursday, May 19 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, the FBI's Executive Assistant Director of the National Security Branch Sean Joyce and Acting Assistant Administrator for Intelligence for DEA Douglas Poole will testify before the Senate Select Committee on Intelligence at a closed hearing on domestic intelligence, and the roles of and coordination among relevant components of the Intelligence Community. The hearing will also cover budgetary matters. Other witnesses will include Director of the National Counterterrorism Center Michael Leiter and Under Secretary for Intelligence and Analysis at the Department of Homeland Security Caryn Wagner.

B. Hearings of interest to the Department

1. **Border Security.** On Tuesday, May 17 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Immigration, Refugees and Border Security will hold a hearing entitled “Improving Security and Facilitating Commerce at America’s Northern Border and Ports of Entry.”
2. **Mobile Privacy and Protection.** On Thursday, May 19 at 10:00 a.m. in Room 253 of the Russell Senate Office Building, the Senate Commerce, Science and Transportation Committee will hold a hearing on consumer protection and privacy in the mobile marketplace.
3. **Post-9/11 Intelligence Overhaul.** On Thursday, May 19 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing on the 10 years after 9/11, including a review of the headway made in implementing recommendations for improving intelligence operations proposed by the 9/11 commission and enacted by Congress in 2004.

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O’Donnell, to be Director of the Bureau of Justice Assistance; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Lisa Monaco, to be Assistant Attorney General for the National Security Division; and Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission.

On March 17, the Cole nomination was reported out of Committee. On May 9, the Senate held a cloture vote on the Cole nomination. The vote was 50-40, so cloture was not invoked. Also on May 9, the Senate Judiciary Committee reported the nominations of Virginia Seitz, to be Assistant Attorney General for Legal Counsel; Denise E. O’Donnell, to be Director of the Bureau of Justice Assistance; and Lisa Monaco, to be Assistant Attorney General for the National Security Division. On May 12, the Senate Judiciary Committee reported the nomination of Donald Verrilli, to be Solicitor General by a vote of 17-1.

On Tuesday, May 17 at 3:30 P.M. in Room 562 of the Dirksen Senate Office Building, the Senate Select Committee on Intelligence will hold an open hearing on the nomination of Lisa Monaco to be Assistant Attorney General for the National Security Division.

2. **Judicial Nominees.** The following judicial nominees are pending on the Senate Executive Calendar: Susan Carney, Second Circuit; Goodwin Liu, Ninth Circuit; Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Michael H. Simon, D OR; Claire C. Cecchi, D NJ; Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; and Sara L. Darrow, CD IL.

On May 10, the Senate voted to confirm Edward Chen, ND CA. On May 11, the Senate voted to confirm Arenda L. Wright Allen, ED VA. On May 12, the Senate voted to confirm Michael F. Urbanski, WD VA.

On May 17, the Senate is scheduled to consider the nomination of Susan L. Carney, Second Circuit.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys and their nominations are pending in Committee: Ronald W. Sharpe, D VI; Felicia C. Adams, ND MS; Thomas Gray Walker, Ed NC; S. Amanda Marshall, D OR; and George L. Beck, MD AL.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in Committee: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; and David L. McNulty, ND NY; Dennis J. Erby, ND MS; and Edward M. Spooner, ND FL.

D. Markups

Senate Judiciary Committee. On Thursday, May 19 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 350, the Environmental Crimes Enforcement Act, which would direct the U.S. Sentencing Commission to review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act. Additionally, the Committee is scheduled to mark up S. 623, the Sunshine in Litigation Act, which would prohibit a court, in any civil action in which the pleadings state facts relevant to the protection of public health or safety, from entering an order restricting the disclosure of information obtained through discovery, approving a settlement agreement that would restrict such disclosure, or restricting access to court records, unless in connection with such order the court has first made certain, specified independent findings of fact. The Committee is also scheduled to mark up S. 890, the “Fighting Fraud to Protect Taxpayers Act,” which is a bill on tax fraud protections.

E. Briefings

1. **Medicare Strike Forces.** On Tuesday, May 17 at 10:00 a.m. in Room 104 of the Hart Senate Office Building, representatives of the Departments of Justice and Health and Human Services will brief staff of the Senate Finance Committee on Medicare Strike Forces.
2. **Domestic Communications Assistance Center (DCAC).** On Tuesday, May 17 at 11:00 a.m. in Room 2141 of the Rayburn House Office Building, representatives of FBI, DEA and USMS will brief the staffs of the House and Senate Judiciary Committees on the Domestic Communications Assistance Center (DCAC).

3. **Drug-Endangered Children.** On Tuesday, May 17 at 2:30 p.m. in Room 2237 of the Rayburn House Office Building, representatives of the Department will brief staff for the House Judiciary Committee on drug-endangered children. On the same day at 4:00 p.m. in Room 226 of the Dirksen Senate Office Building, representatives of the Department will provide a similar briefing to staff for the Senate Judiciary Committee.
4. **ATF 101.** On Wednesday, May 18, representatives from ATF will provide briefings to Sen. John Tester, Rep. Hank Johnson, and Rep. Reid Ribble, on the structure and operations of ATF.
5. **Cyber matters.** On Thursday, May 19, Counsel for the Office of Intelligence Policy and Review Jim Baker and Assistant Director for the FBI's Cyber Division Gordon Snow will brief Senators Whitehouse and Kyl on cyber matters.

F. Floor

Oil Company Tax Breaks. On Wednesday May 18, the Senate will consider S. 940, the "Close Big Oil Tax Loopholes Act" which would repeal oil company tax breaks.

G. Looking Ahead

1. **FBI Intelligence Capabilities.** On Wednesday, May 25 at 2:00 p.m. in Room 304 of the House Visitors' Center, FBI Director Robert Mueller will testify before the House Permanent Select Committee on Intelligence at open and closed hearings on the Transformation of FBI Intelligence Capabilities.
2. **CEJA.** On Wednesday, May 25 at a 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Lanny Breuer, Assistant Attorney General for the Criminal Division, will testify before the Senate Judiciary Committee on the Civilian Extraterritorial Jurisdiction Act (CEJA). Lanny Breuer is expected to testify at 11:00 a.m.
3. **Public Corruption Hearings/Legislation.** The House Judiciary Committee will likely schedule a hearing in June on public corruption issues and proposed legislation to respond to this problem.
4. **Civil Rights Division Oversight.** On Tuesday, June 1, the House Judiciary Subcommittee on the Constitution will hold an oversight hearing on the Civil Rights Division, with Assistant Attorney General Tom Perez testifying.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 23, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 27, 2011

The following is a summary of our current activities:

The House is in recess this week.

A. Hearings at which the Department is testifying

1. **Cybersecurity.** This week, the Department will participate in three separate hearings on cybersecurity. On Monday, May 23 at 10:30 a.m. in Room 342 of the Dirksen Senate Office Building, Jason Chipman, Senior Counsel to the Deputy Attorney General, will testify before the Senate Homeland Security and Government Affairs Committee at a hearing entitled "Protecting Cyberspace: Assessing the White House Proposal." On Wednesday, May 25 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, James Baker, Associate Deputy Attorney General, will testify before the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet and the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at a joint hearing entitled "Cybersecurity: Innovative Solutions to Challenging Problems." Finally, on Thursday, May 26 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, Mr. Baker will testify before the Senate Select Committee on Intelligence at a closed hearing on cybersecurity.
2. **Prescription Drug Abuse.** On Tuesday, May 24 at 9:00 a.m. in Room 226 of the Dirksen Senate Office Building, Michele Leonhart, DEA Administrator, will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing entitled "Holding Criminals Accountable: Extending Criminal Jurisdiction to Government Contractors and Employees Abroad." ONDCP Director Gil Kerlikowske also has been invited to testify.

3. **Criminal Extraterritorial Jurisdiction Act (CEJA).** On Wednesday, May 25 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Lanny Breuer, Assistant Attorney General for the Criminal Division, will testify before the Senate Judiciary Committee at a hearing entitled “Holding Criminals Accountable: Extending Criminal Jurisdiction to Government Contractors and Employees Abroad.”
4. **FBI Intelligence Capabilities.** On Wednesday, May 25 at 2:00 p.m. in Room 304 of the House Visitors’ Center, Robert Mueller, FBI Director, will testify before the House Permanent Select Committee on Intelligence at open and closed hearings on Transformation of FBI Intelligence Capabilities.
5. **Drug Trafficking Organizations.** On Wednesday, May 25 at 2:30 p.m. in Room 526 of the Dirksen Senate Office Building, Thomas Harrigan, DEA Chief of Operations, will testify before the Senate Caucus on International Narcotics Control at a hearing entitled “Mexico-based drug trafficking organizations in Central America.”

B. Hearings of interest to the Department

1. **Digital Tax.** On Monday, May 23 at 4:00 p.m. in Room 1860 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing on H.R. 1860, the “Digital Goods and Services Tax Fairness Act of 2011.”
2. **Immigration Policy.** On Tuesday, May 24 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing entitled, “H.R. 1932, Keep Our Communities Safe Act.”
3. **Litigation.** On Tuesday, May 24 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing entitled “Can We Sue Out Way to Prosperity?: Litigation’s Effect on America’s Global Competitiveness.”
4. **International Child Abduction.** On Tuesday, May 24 at 2:00 p.m. in Room 2203 of the Rayburn House Office Building, the House Foreign Affairs Committee will hold a hearing entitled “International Child Abduction: Broken Laws and Bereaved Lives.”
5. **Tax Simplification.** On Wednesday, May 25 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing on H.R. 1864, the “Mobile Workforce State Income Tax Simplification Act of 2011.”
6. **Antitrust.** On Thursday, May 26 at 10:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled “How Will the Proposed Merger Between AT&T and T-Mobile Affect Wireless Telecommunications Competition?”

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Denise O'Donnell, to be Director of the Bureau of Justice Assistance; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Lisa Monaco, to be Assistant Attorney General for the National Security Division; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.

On March 17, the Cole nomination was reported out of Committee. On May 9, the Senate held a cloture vote on the Cole nomination. The vote was 50-40, so cloture was not invoked. Also on May 9, the Senate Judiciary Committee reported the nominations of Virginia Seitz, to be Assistant Attorney General for Legal Counsel; Denise E. O'Donnell, to be Director of the Bureau of Justice Assistance; and Lisa Monaco, to be Assistant Attorney General for the National Security Division. On May 12, the Senate Judiciary Committee reported the nomination of Donald Verrilli, to be Solicitor General by a vote of 17-1.

On Tuesday, May 24, the Senate Select Committee on Intelligence is scheduled to consider the nomination of Lisa Monaco to be Assistant Attorney General for the National Security Division.

2. **Judicial Nominees.** The following judicial nominees are pending on the Senate Executive Calendar: Goodwin Liu, Ninth Circuit; Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Michael H. Simon, D OR; Claire C. Cecchi, D NJ; Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; and Sara L. Darrow, CD IL.

On May 17, the Senate voted to confirm Susan L. Carney, Second Circuit. On May 19, the Senate voted on a Motion to invoke cloture on the nomination of Goodwin Liu, Ninth Circuit. Cloture was not invoked.

On May 24, the Senate Judiciary Committee is scheduled to hold a hearing on the following judicial nominees: Steve Six, Tenth Circuit; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; and Wilma Antoinette Lewis, D V.I. On May 26, the Senate Judiciary Committee is scheduled to consider the following judicial nominees: John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; and William F. Kuntz, II, ED NY.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys and their nominations are pending in Committee: Ronald W. Sharpe, D VI; Felicia C. Adams, ND MS; Thomas Gray Walker, Ed NC; S. Amanda Marshall, D OR; and George L. Beck, MD AL.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in Committee: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; and David L. McNulty, ND NY; Dennis J. Erby, ND MS; and Edward M. Spooner, ND FL.

D. Markups

Senate Judiciary Committee. On Thursday, May 26 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 968, the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011, which would enhance enforcement against rogue websites operated and registered overseas as well as eliminate the financial incentive to steal intellectual property online. Additionally, the Committee is scheduled to mark up S. 978, a bill to amend the criminal penalty provision for criminal infringement of a copyright, and for other purposes.

E. Briefings

1. **Cybersecurity.** On Monday, May 23 at 12:00 p.m. in Room 419 of the Dirksen Senate Office Building, Johyn Lynch, Principal Deputy Chief of the Computer Crime and Intellectual Property Section, will brief the staff of the Senate Foreign Relations Committee as part of an administration panel on the International Cybersecurity Strategy.
2. **Intelligence Matters.** On Tuesday, May 24 at 9:00 a.m. in Room 219 of the Senate Hart Office Building, the Senate Select Committee on Intelligence will hold an on the record breakfast with Robert Mueller, FBI Director, to discuss intelligence matters.
3. **Budgetary Matters.** On Tuesday, May 24 at 11:00 a.m. in Room 309 of the House Visitor's Center, a Department witness will meet with staff of the House Appropriations Subcommittee on Commerce, Justice and Science on FY 2012 priorities.
4. **Budgetary Matters.** On Tuesday, May 24 at 11:00 a.m. in Room 138 of the Dirksen Senate Office Building, a Department witness will meet with staff of the Senate Appropriations Subcommittee on Commerce, Justice and Science on FY 2012 priorities.
5. **Agriculture Civil Rights Cases.** On Tuesday, May 24 at 1:00 p.m. in Room 328A of the Russell Senate Office Building, two Deputy Assistant Attorneys General from the Civil Division and the Division's Chief of Staff, along with representatives from USDA, will brief staff from the Senate Agriculture Committee on the status of the civil rights cases including, *Pigford*, *Love*, *Garcia* and *Keepseagle*.
6. **Zadroga.** On Thursday, May 26 at 1:00 p.m. in Room 2148 of the Rayburn House Office Building, Sheila L. Birnbaum, the newly appointed Special Master for the 9/11 fund, will meet with the New York Members who were instrumental in passing the legislation.

F. Floor

1. **PATRIOT Act.** On Monday, May 23, the Senate voted 74-8 to invoke cloture on a Motion to Proceed to consideration of S. 1038, the PATRIOT Sunsets Extension Act of 2011, which would extend until June 1, 2015, three provisions of the Foreign Intelligence Surveillance Act (FISA) that are due to expire on May 27. The Senate will resume consideration of the legislation on Tuesday, May 24.

G. Looking Ahead

1. **Civil Rights Division Oversight.** On Tuesday, June 1, Assistant Attorney General Tom Perez will testify before the House Judiciary Subcommittee on the Constitution on oversight of the Civil Rights Division.
2. **Public Corruption Hearings/Legislation.** The House Judiciary Committee will likely schedule a hearing in June on public corruption and proposed legislation to respond to this problem.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 31, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich *RW*
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 3, 2011

The following is a summary of our current activities:

The Senate is in recess this week.

A. Hearings at which the Department is testifying

1. **Civil Rights Division.** On Wednesday, June 1 at 11:30 a.m. in Room 2141 of the Rayburn House Office Building, Tom Perez, Assistant Attorney General for the Civil Rights Division, will testify before the House Judiciary Subcommittee on the Constitution at an oversight hearing on the Civil Rights Division.
2. **Public Corruption.** On Friday, June 3 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Mythili Raman, Principal Deputy Assistant Attorney General for the Criminal Division, will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at a hearing on H.R. 1793, the Clean Up Government Act of 2011.

B. Hearings of interest to the Department

1. **Government Accountability.** On Tuesday, May 31 at 4:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing entitled "Formal Rulemaking and Judicial Review: Protecting Jobs and the Economy with Greater Regulatory Transparency and Accountability."

2. **Online Commerce.** On Wednesday, June 1 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled “Promoting Investment and Protecting Commerce Online: The ART Act, the NET Act and Illegal Streaming.”
3. **Teen Dating Violence.** On Friday, June 3, 2011, at 1:30 p.m., at William E. Tolman Senior High School, Pawtucket, Rhode Island, the Senate Judiciary Subcommittee on Crime and Terrorism will hold a field hearing entitled “Preventing Teen Violence: Strategies for Protecting Teens from Dating Violence and Bullying,” with Senator Whitehouse presiding.

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Lisa Monaco, to be Assistant Attorney General for the National Security Division; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.

On March 17, the Cole nomination was reported out of Committee. On May 9, the Senate held a cloture vote on the Cole nomination. The vote was 50-40, so cloture was not invoked. Also on May 9, the Senate Judiciary Committee reported the nominations of Virginia Seitz, to be Assistant Attorney General for Legal Counsel; Denise E. O’Donnell, to be Director of the Bureau of Justice Assistance (BJA); and Lisa Monaco, to be Assistant Attorney General for the National Security Division. On May 12, the Senate Judiciary Committee reported the nomination of Donald Verrilli to be Solicitor General by a vote of 17-1. On May 24, the Senate Select Committee on Intelligence reported the Monaco nomination.

On May 26, the Senate confirmed Denise O’Donnell to be Director of BJA. Also on May 26, cloture was filed on the Verrilli nomination, and a cloture vote on that nomination is scheduled for Monday, June 6 at 5:30 p.m.

2. **Judicial Nominees.** The following judicial nominees are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Michael H. Simon, D OR; Claire C. Cecchi, D NJ; Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; and William F. Kuntz, II, ED NY.

On May 24, the Senate Judiciary Committee held a hearing on the following judicial nominees: Steve Six, Tenth Circuit; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; and Wilma Antoinette Lewis, D V.I.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys and their nominations are pending in Committee: Ronald W. Sharpe, D VI; Felicia C. Adams, ND MS; Thomas Gray Walker, Ed NC; S. Amanda Marshall, D OR; and George L. Beck, MD AL.

The Senate Judiciary Committee has listed Felicia Adams and Ronald Sharpe on the agenda of its business meeting for June 9.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in Committee: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; David L. McNulty, ND NY; Dennis J. Erby, ND MS; and Edward M. Spooner, ND FL.

D. Markups

House Judiciary Committee. On Thursday, June 2 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.J.Res. 1, a resolution proposing a balanced budget amendment to the Constitution of the United States. Additionally, the Committee is scheduled to mark up: H.R. 1741, the Secure Visas Act, which would authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States; H.R. 1932, the Keep Our Communities Safe Act of 2011, which would allow the Department of Homeland Security to detain for longer than six months dangerous criminal immigrants who are under orders of removal but cannot be deported under certain conditions; and H.R. 966, the Lawsuit Abuse Reduction Act of 2011, which would amend Rule 11 of the Federal Rules of Civil Procedure to require the court to impose an appropriate sanction on any attorney, law firm, or party that has violated, or is responsible for the violation of, the rule with regard to representations to the court.

E. Floor

1. **Fiscal 2012 Homeland Security Appropriations.** The House is expected to consider H.R. 2017, a bill making FY 2012 appropriations for the Department of Homeland Security. The measure includes a provision barring the transfer or release of Khalid Sheikh Mohammed and any other Guantanamo detainee into the United States, which is already prohibited under current law. The proposed legislation also would purport to deny immigration benefits to such detainees.

F. Looking Ahead

1. **MLAT Treaty Between the U.S. and Bermuda.** On Tuesday, June 7 at 2:30 p.m. in Room 419 of the Dirksen Senate Office Building, Bruce Swartz, Deputy Assistant Attorney General for the Criminal Division, will testify before the Senate Foreign Relations Committee at a hearing on the Treaty between the Government of the United States and the Government of Bermuda Relating to Mutual Legal assistance in Criminal Matters.

2. **Term of the FBI Director.** On June 8 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on the President's request that Congress extend the term of FBI Director Robert S. Mueller by two years. Director Mueller may be asked to testify.
3. **Foreign Corrupt Practices Act.** On Tuesday, June 14 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security will hold a hearing on the Foreign Corrupt Practices Act (FCPA) and its enforcement. The likely DOJ witness will be Greg Andres, Deputy Assistant Attorney General for the Criminal Division.
4. **FISA Implementation.** During the week of June 13, the Senate Select Committee on Intelligence will hold a closed hearing on FISA Implementation. Witnesses will include Attorney General Eric H. Holder, Jr. and NSA Director Keith B. Alexander.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 6, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 10, 2011

The following is a summary of our current activities:

The House is in recess this week.

A. Hearings at which the Department is testifying

1. **MLAT Treaty Between the U.S. and Bermuda.** On Tuesday, June 7 at 2:30 p.m. in Room 419 of the Dirksen Senate Office Building, Bruce Swartz, Deputy Assistant Attorney General for the Criminal Division, will testify before the Senate Foreign Relations Committee at a hearing on the Treaty between the Government of the United States and the Government of Bermuda Relating to Mutual Legal assistance in Criminal Matters.
2. **Term of the FBI Director.** On Wednesday, June 8 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, FBI Director Robert S. Mueller III will testify before the Senate Judiciary Committee at a hearing on the President's request that Congress extend the Director's term for two additional years. Other witnesses will be former Deputy Attorney General James B. Comey, Professor William W. Van Alstyne of William and Mary Law School, and Professor John C. Harrison of the University of Virginia School of Law.

B. Hearings of interest to the Department

1. **Border Corruption.** On Thursday, June 9 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing entitled "Border Corruption: Assessing Customs and Border Protection and

the Department of Homeland Security Inspector General's Office Collaboration in the Fight to Prevent Corruption.”

C. Pending Nominations

1. **Department Nominees.** The following individuals have been nominated by the President to serve at the Department: James Cole, to be Deputy Attorney General; Donald Verrilli, to be Solicitor General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Lisa Monaco, to be Assistant Attorney General for the National Security Division; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.

On March 17, the Cole nomination was reported out of Committee. On May 9, the Senate held a cloture vote on the Cole nomination. The vote was 50-40, so cloture was not invoked. Also on May 9, the Senate Judiciary Committee reported the nominations of Virginia Seitz, to be Assistant Attorney General for Legal Counsel; Denise E. O'Donnell, to be Director of the Bureau of Justice Assistance (BJA); and Lisa Monaco, to be Assistant Attorney General for the National Security Division. On May 12, the Senate Judiciary Committee reported the nomination of Donald Verrilli to be Solicitor General by a vote of 17-1. On May 24, the Senate Select Committee on Intelligence reported the Monaco nomination.

On June 6, the Senate voted to confirm the nomination of Donald Verrilli, to be Solicitor General.

2. **Judicial Nominees.** The following judicial nominees are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Michael H. Simon, D OR; Claire C. Cecchi, D NJ; Ester Salas, D NJ; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; and William F. Kuntz, II, ED NY.

On June 8, the Senate Judiciary Committee will hold a hearing on the following judicial nominees: Stephen A. Higginson, Fifth Circuit; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Katherine B. Forrest, SD NY; and Susan O. Hickey, WD AR.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys and their nominations are pending in Committee: Thomas Gray Walker, Ed NC; S. Amanda Marshall, D OR; and George L. Beck, MD AL.

On June 9, the Senate Judiciary Committee is scheduled to consider the following U.S. Attorney nominees: Felicia Adams, ND MS; and Ronald Sharpe, D V.I.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in Committee: Juan Mattos Jr., D

NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; David L. McNulty, ND NY; Dennis J. Erby, ND MS; and Edward M. Spooner, ND FL.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, June 9 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1103, A bill to extend the term of the incumbent Director of the FBI. Additionally, the Committee is scheduled to mark up S. 978, A bill to amend the criminal penalty provision for criminal infringement of a copyright.
2. **Senate Commerce, Science and Transportation Committee.** On Wednesday, June 8 at 10:00 a.m. in Room 253 of the Russell Senate Office Building, the Senate Commerce, Science and Transportation Committee is scheduled to mark up S. 911, The Strengthening Public-safety and Enhancing Communications Through Reform, Utilization, and Modernization Act, also known as the SPECTRUM Act, which would strengthen public safety and enhance wireless communications by: (1) providing sufficient wireless spectrum and resources to build a nationwide interoperable wireless public safety broadband network, (2) encouraging more effective spectrum use, (3) promoting voluntary market mechanisms for optimal spectrum allocation, (4) reforming the federal government's spectrum management practices, and (5) engaging in research and development of emerging wireless technologies.

E. Briefings

1. **High-Value Detainee Interrogation Group Activities.** On Tuesday, June 7 at 3:00 p.m. in Room 217 of the Senate Visitors' Center, the High-Value Detainee Interrogation Group (HIG) will brief Members of the Senate Armed Services about its mission and activities. The HIG will provide an update to staff from the Senate Select Committee on Intelligence at 12:30 p.m. in Room 219 of the Hart Senate Office Building in advance of a hearing scheduled for June 16.
2. **FBI Background Investigations for Presidential Nominees.** On Wednesday, June 8 the FBI Security Division will brief the Senate Homeland Security and Government Affairs Committee regarding FBI background investigations for presidential nominees. The briefing will be a 101 overview covering what kind of background investigations FBI does for the different nominations and will be conducted by the Section Chief of the Initial Clearance Section, Mark Gant. The briefing will not cover S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011.

F. Looking Ahead

1. **FISA Implementation.** On Tuesday, June 14 at 2:30 P.M. in Room 219 of the Hart Senate Office Building., Attorney General Holder will testify before the Senate Select Committee on Intelligence will hold a closed hearing on FISA Implementation. Also testifying will be NSA Director Gen. Keith B. Alexander.

2. **Foreign Corrupt Practices Act.** On Tuesday, June 14 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Greg Andres, Deputy Assistant Attorney General for the Criminal Division, will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security at a hearing on the Foreign Corrupt Practices Act (FCPA) and its enforcement.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 13, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 17, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **FISA Implementation.** On Tuesday, June 14 at 2:30 P.M. in Room 219 of the Hart Senate Office Building, Attorney General Holder will testify before the Senate Select Committee on Intelligence at a closed hearing on FISA Implementation. Also testifying will be NSA Director Gen. Keith B. Alexander.
2. **Foreign Corrupt Practices Act.** On Tuesday, June 14 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Greg Andres, Deputy Assistant Attorney General for the Criminal Division, will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security at a hearing on the Foreign Corrupt Practices Act (FCPA) and its enforcement.
3. **Operation Fast and Furious.** On Wednesday, June 15 at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, Ronald Weich, Assistant Attorney General for the Office of Legislative Affairs, will testify before the House Oversight and Government Reform Committee at a hearing on ATF Operation Fast and Furious.
4. **Southwest Border.** On Wednesday, June 15 at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building, Laura Duffy, United States Attorney for the Southern District of California, will testify before the Senate Caucus on International Narcotics Control at a hearing on Illegal Tunneling on the Southwest Border.

5. **High-Value Detainee Interrogation Group (HIG).** On Thursday, June 16 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, Andrew McCabe, FBI Deputy Assistant Director and former HIG Director, will testify in a closed hearing before the Senate Select Committee on Intelligence. HIG Deputy Directors from the CIA and DOD are also testifying.

B. Hearings of interest to the Department

1. **Operation Fast and Furious.** On Monday, June 13 at 1:00 p.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee held a hearing entitled, “Obstruction of Justice: Does the Justice Department Have to Respond to a Lawfully Issued and Valid Congressional Subpoena?”
2. **NYSE-Deutsche Boerse Merger.** On Monday, June 13 at 4:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet held a hearing on the NYSE-Deutsche Boerse Merger.
3. **Legal Workforce Act.** On Wednesday, June 15 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing on the Legal Workforce Act.
4. **Muslim-American Radicalization in U.S. Prisons.** On Wednesday, June 15 at 9:30 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing entitled, “The Threat of Muslim-American Radicalization in U.S. Prisons.”

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending on the Senate Executive Calendar: James Cole, to be Deputy Attorney General; Virginia Seitz, to be Assistant Attorney General for Legal Counsel; and Lisa Monaco, to be Assistant Attorney General for the National Security Division.

The following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.

2. **Judicial Nominees.** The following judicial nominees are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Michael H. Simon, D OR; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; and William F. Kuntz, II, ED NY.

On June 8, the Senate Judiciary Committee held a hearing on the following judicial nominees: Stephen A. Higginson, Fifth Circuit; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Katherine B. Forrest, SD NY; and Susan O. Hickey, WD AR. On June 14, the Senate is scheduled to consider the nominations of Claire C. Cecchi, D NJ; and Ester Salas, D NJ. On June 16, the Senate Judiciary Committee is scheduled to consider the following judicial nominees: Steve Six, Tenth Circuit; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; and Wilma Antoinette Lewis, D. V. I.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in Committee: Thomas Gray Walker, Ed NC; and S. Amanda Marshall, D OR.

On June 9, the Senate Judiciary Committee reported the following U.S. Attorney nominees out of Committee: Felicia C. Adams, ND MS; Ronald W. Sharpe, D V.I.; and George L. Beck, Jr., MD AL. All three are now pending on the Senate Executive Calendar.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in Committee: Juan Mattos Jr., D NJ; Robert W. Matheison, ED VA; Charles F. Salina, WD NY; Alfred C. Lomax, WD MO; Clayton D. Johnson, ND OK; David L. McNulty, ND NY; Dennis J. Erby, ND MS; and Edward M. Spooner, ND FL.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, June 16 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1103, a bill to extend the term of the incumbent Director of the FBI. Additionally, the Committee is scheduled to mark up S. 978, a bill to amend the criminal penalty provision for criminal infringement of a copyright. The Committee is also scheduled to mark up S. 1145, the Civilian Extraterritorial Jurisdiction Act, which would clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States.
2. **House Judiciary Committee.** On Wednesday, June 15 at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.J. Res. 1, a resolution proposing a balanced budget amendment to the Constitution of the United States.

E. Briefings

1. **Visa Bars for African National Congress (ANC).** On Monday, June 13 at 2:00 p.m. in Room 2221 of the Rayburn House Office Building, representatives of the National Security and Civil Divisions joined representatives from the State Department and the Department of Homeland Security in briefing members of Representative Berman's staff on the implementation of exemptions for aliens associated with the ANC from certain terrorism and criminal-related bars on admission to the United States.

2. **Guantanamo Legislation.** On Wednesday, June 15 at 3:15 p.m., an interagency group from the Department of State, the Department of Defense, the Office of the Director of National Intelligence, and the Department of Justice will brief Congressman Adam Smith regarding the Administration's views on pending legislative proposals concerning Guantanamo detainees in the context of the NDAA. It has not yet been determined who will participate on behalf of the Department of Justice.
3. **Integrated Wireless Network.** On Thursday, June 16th at 9:30 am in Room 2240 of the Rayburn House Office Building, Assistant Attorney General Lee Loftus, Chief Information Officer Vance Hitch, and Program Director Michael Gilmore are scheduled to brief members of the Virginia delegation (thus far, Reps. Goodlatte and Hurt confirmed) on Law Enforcement Wireless Communications.
4. **Intellectual Property Oversight.** Representatives from CCIPS, CRM, and FBI are working to schedule a briefing later this week with majority and minority staff of the Senate Judiciary Committee in preparation for the Committee's June 22 hearing on intellectual property oversight.

F. Floor

1. **Patent Reform.** Later in the week the House of Representatives might consider H.R. 1249, the "America Invents Act," which would amend the federal patent law in a number of ways, including by replacing the "first-to-invent" system with "first-to-file." The Senate companion bill, S. 23, passed the Senate on March 8, 2011 by a vote of 95-5.

G. Looking Ahead

1. **Federal-Local Collaboration in Law Enforcement.** On Monday, June 20 at 11:00 a.m. in second floor auditorium of the Carvel State Office Building, 820 N. French Street, Wilmington, DE 19801, Jim Burch, BJA Deputy Director, will testify at a hearing entitled, "Building Safer Communities: the Importance of Effective Federal-Local Collaboration in Law Enforcement."
2. **Cybersecurity.** On Tuesday, June 21 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, James Baker, Associate Deputy Attorney General, will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing entitled, "Cybersecurity: Evaluating the Administration's Proposals."
3. **Intellectual Property Oversight.** On Wednesday, June 22, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Jason Weinstein, Deputy Assistant Attorney General for the Criminal Division, will testify before the Senate Judiciary Committee at a hearing entitled, "Oversight of Intellectual Property Law Enforcement Efforts."
4. **Indian Reorganization Act.** On Thursday, June 23 at 2:15 pm in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold a hearing on "The Indian Reorganization Act - 75 Years Later: Renewing our Commitment to Restore Tribal Homelands and Promote Self-Determination."



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 20, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 24, 2011

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Federal-Local Collaboration in Law Enforcement.** On Monday, June 20 at 11:00 a.m. in second floor auditorium of the Carvel State Office Building, 820 N. French Street, Wilmington, DE 19801, Jim Burch, BJA Deputy Director, and Richard McFeely, FBI Special Agent in Charge of the Baltimore Division, testified at a field hearing entitled, "Building Safer Communities: the Importance of Effective Federal-Local Collaboration in Law Enforcement."
2. **Cybersecurity.** On Tuesday, June 21 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, James Baker, Associate Deputy Attorney General, will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing entitled, "Cybersecurity: Evaluating the Administration's Proposals."
3. **Intellectual Property Oversight.** On Wednesday, June 22 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Jason Weinstein, Deputy Assistant Attorney General for the Criminal Division, and Gordon Snow, FBI Assistant Director for the Cyber Division, will testify before the Senate Judiciary Committee at a hearing entitled, "Oversight of Intellectual Property Law Enforcement Efforts."

B. Hearings of interest to the Department

1. **Indian Reorganization Act.** On Thursday, June 23 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold a hearing, entitled "The Indian Reorganization Act - 75 Years Later: Renewing our Commitment to Restore Tribal Homelands and Promote Self-Determination."
2. **Cybersecurity.** On Friday, June 24 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies will hold a hearing, entitled "Examining the Homeland Security Impact of the Obama Administration's Cybersecurity Proposal."
3. **Encouraging the Public to Report Suspicious Activities.** On Friday, June 24 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing on H.R. 963, the "See Something, Say Something Act of 2011." H.R. 963 amends the Homeland Security Act of 2002 to grant immunity from civil liability to persons who, in good faith and based on objectively reasonable suspicion, report suspicious activity indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to an act of terrorism.

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending on the Senate Executive Calendar: James Cole, to be Deputy Attorney General; Virginia Seitz, to be Assistant Attorney General for Legal Counsel; and Lisa Monaco, to be Assistant Attorney General for the National Security Division.

The following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; and Wilma Antoinette Lewis, D V.I.

On June 14, the Senate voted to confirm the nominations of Claire C. Cecchi, D NJ; and Ester Salas, D NJ.

On June 21, the Senate is scheduled to consider the nomination of Michael H. Simon, D OR.

On June 22, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominees: Christopher Droney, Second Circuit; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; and Robert N. Scola, Jr., SD FL.

On June 23, the Senate Judiciary Committee is scheduled to consider the following nominations: Steve Six, Tenth Circuit; Stephen A. Higginson, Fifth Circuit; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Katherine B. Forrest, SD NY; and Susan O. Hickey, WD AR.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and her nomination is pending in Committee: S. Amanda Marshall, D OR.

On June 16, the Senate Judiciary Committee reported the nomination of Thomas Walker, ED NC.

The following nominations are pending on the Senate Executive Calendar: Felicia C. Adams, ND MS; Ronald W. Sharpe, D V.I.; George L. Beck, Jr., MD AL; and Thomas Walker, ED NC.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in Committee: Clayton D. Johnson, ND OK; Dennis J. Erby, ND MS; and Edward M. Spooner, ND FL.

On June 16, the Senate Judiciary Committee reported the following nominations: Charles Salina, WD NY; Robert Mathieson, ED VA; and Juan Mattos, D NJ. All three are now pending on the Senate Executive Calendar.

On June 23, the Senate Judiciary Committee is scheduled to consider the following nominees: Alfred C. Lomax, WD MO; and David L. McNulty, ND NY.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, June 23 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up: S. 1145, the Civilian Extraterritorial Jurisdiction Act, which would clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States; and the Second Chance Reauthorization Act (SCRA) of 2011, a bill to consolidate existing state and local grant programs to help prisoners with reentry. The SCRA of 2011, sponsored by Senators Patrick Leahy and Rob Portman, reauthorizes the Second Chance Act, PL 110-199, which became law in 2008.
2. **House Judiciary Committee.** On Thursday, June 23 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up: H.R. 1741, the Secure Visas Act, which would authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States; H.R. 966, the Lawsuit Abuse Reduction Act of 2011,

which would amend Rule 11 of the Federal Rules of Civil Procedure to require the court to impose an appropriate sanction on any attorney, law firm, or party that has violated, or is responsible for the violation of, the rule with regard to representations to the court; H.R. 1932, the Keep Our Communities Safe Act of 2011, which would allow the Department of Homeland Security to detain for longer than six months dangerous criminal immigrants who are under orders of removal but cannot be deported under certain conditions; and H.R. 1933, a bill to amend the Immigration and Nationality Act to modify the requirements for admission of nonimmigrant nurses in health professional shortage areas.

E. Briefings

1. **Data Retention.** On Monday, June 20 at 5:00 p.m. in Room B-370 of the Rayburn House Office Building, representatives from the Criminal Division briefed staff of the House Judiciary Committee about data retention.
2. **Countering Violent Extremism.** On Tuesday, June 21 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, Christopher Schroeder, Assistant Attorney General of Legal Policy, will join an interagency briefing team to brief staff of the Senate Homeland Security and Government Affairs Committee on Administration efforts to counter violent extremism.
3. **Firearms Trafficking into Mexico.** On Tuesday, June 21 at 11:00 a.m. in the Rayburn House Office Building, Amy Pope, Deputy Chief of Staff for the Criminal Division, Billy Hoover, Deputy Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and a representative from the State Department will brief staff from the House Foreign Affairs Committee about firearms trafficking into Mexico and its impact on foreign relations.
4. **Zadroga.** On Tuesday, June 21 at 3:00 p.m. in Room 2220 of the Rayburn House Office Building, Brian Hauck, Chief of Staff and Senior Counsel to the Associate Attorney General, will brief members of the New York Delegation about the draft regulation.
5. **Federal Correctional Institution Berlin.** On Wednesday, June 22 at 9:00 a.m. in Room 144 of the Russell Senate Office Building, Ronald Weich, Assistant Attorney General for Legislative Affairs, Lee Lofthus, Assistant Attorney General for Administration, and representatives from the Bureau of Prisons will meet with Senator Kelly Ayotte regarding FCI Berlin New Hampshire.
6. **Stem Cell Legislation.** On Wednesday, June 22 at 10:00 a.m., Beth Brinkman, Deputy Assistant Attorney General for the Civil Division, and a representative from the National Institutes of Health, will brief Congresswoman Diana DeGette about proposed stem cell legislation.
7. **Team Telecom.** On Thursday, June 23 at 4:00 p.m. in Room 717 of the Hart Senate Office Building, Brad Wiegmann and Richard Sofield of the National Security Division will brief members of Senator Whitehouse's staff on Team Telecom.

F. Floor

1. **Presidential Appointments.** On Tuesday, June 21 the Senate is scheduled to consider S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011, which would eliminate the confirmation requirement for hundreds of executive branch nominees. A substitute amendment was reported out of the Senate Homeland Security and Governmental Affairs Committee on June 13 and appears to have strong bipartisan support.
2. **Election Assistance Commission.** On Tuesday, June 21 the House is scheduled to consider H.R. 672, the Election Support Consolidation and Efficiency Act, which would terminate the Election Assistance Commission. An amended version of H.R. 672 was reported out of the House Administration Committee on June 2.
3. **Patent Reform.** Later in the week the House of Representatives might consider H.R. 1249, the “America Invents Act,” which would amend the federal patent law in a number of ways, including by replacing the “first-to-invent” system with “first-to-file.” The Senate companion bill, S. 23, passed the Senate on March 8, 2011 by a vote of 95-5.
4. **Fiscal 2012 Defense Appropriations.** The House is expected to consider H.R. 2219, a bill making FY 2012 appropriations for the Department of Defense. The bill includes all of the restrictions with respect to Guantanamo detainees that are already established under current law.

G. Looking Ahead

1. **National Defense Authorization.** The Senate Armed Services Committee has reported the National Defense Authorization Act for 2012, and it is expected that the full Senate will take up the bill soon. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the more stringent House-passed bill (H.R. 1540).
2. **Libya and War Powers.** On Tuesday, June 28 at 10:00 a.m., the Senate Foreign Relations Committee will hold a hearing on Libya and War Powers. A Department witness has been invited to testify, together with State Department Legal Adviser Harold Hongju Koh and Department of Defense General Counsel Jeh Johnson. It is unknown at this time whether the Department will appear.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 27, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 1, 2011

The House is in recess this week. The Senate is in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

Financial Fraud Enforcement Task Force. On Thursday, June 30 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Minnesota U.S. Attorney Todd Jones and Financial Fraud Task Force Executive Director Robb Adkins, will testify before the Senate Judiciary Subcommittee on Administrative Oversight and the Courts at a hearing entitled "Oversight of the Financial Fraud Enforcement Task Force."

B. Hearings of interest to the Department

1. **The DREAM Act.** On Tuesday, June 28 at 10:30 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Subcommittee on Immigration, Refugees and Border Security will hold a hearing entitled "The DREAM Act."
2. **Libya and War Powers.** On Tuesday, June 28 at 10:00 a.m., the Senate Foreign Relations Committee will hold a hearing on Libya and War Powers. State Department Legal Adviser Harold Hongju Koh will appear on behalf of the Administration.
3. **Recent Supreme Court Rulings Regarding Corporate Behavior.** On Wednesday, June 29 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary

Committee will hold a hearing entitled “Barriers to Justice and Accountability: How the Supreme Court’s Rulings Will Affect Corporate Behavior.”

4. **Cyber Threats to Financial Institutions.** On Wednesday, June 29 at 2:00 p.m. at the National Computer Forensics Institute, 2020 Valleydale Rd. Hoover, AL, the House Financial Services Committee will hold a field hearing on the threat cybercriminals pose to individuals and financial institutions.

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.

On June 28, the full Senate is scheduled to debate and vote on the following nominations: James Cole, to be Deputy Attorney General; Virginia Seitz, to be Assistant Attorney General for Legal Counsel; and Lisa Monaco, to be Assistant Attorney General for the National Security Division.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; and Wilma Antoinette Lewis, D V.I.

On June 21, the Senate voted to confirm the nomination of Michael H. Simon, D OR.

On June 22, the Senate Judiciary Committee held a hearing on the following nominations: Christopher Droney, Second Circuit; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; and Robert N. Scola, Jr., SD FL.

On June 23, the Senate Judiciary Committee held over the following nominations: Stephen A. Higginson, Fifth Circuit; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Katherine B. Forrest, SD NY; and Susan O. Hickey, WD AR. No action was taken on Steve Six, Tenth Circuit.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and her nomination is pending in Committee: S. Amanda Marshall, D OR.

The following nominations are pending on the Senate Executive Calendar: Felicia C. Adams, ND MS; Ronald W. Sharpe, D V.I.; George L. Beck, Jr., MD AL; and Thomas Walker, ED NC.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in Committee: Clayton D. Johnson, ND OK; Dennis J. Erby, ND MS; Edward M. Spooner, ND FL; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

The following nominations are pending on the Senate Executive Calendar: Charles Salina, WD NY; Robert Mathieson, ED VA; Juan Mattos, D NJ; Alfred C. Lomax, WD MO; and David L. McNulty, ND NY.

D. Markups

None scheduled in either Judiciary Committee.

E. Briefings

Financial Fraud. On Monday, June 27 at 2:00 p.m. in Room 534 of the Dirksen Senate Office Building, representatives from the Criminal Division briefed staff of the Senate Judiciary Committee and Senate Banking Committee about the criminal prosecutions and referrals from banking regulators related to the financial crisis.

F. Floor

Following disposition of the Cole, Seitz and Monaco nominations on Tuesday, the Senate will resume consideration of S. 679, a bill to eliminate the confirmation requirement for roughly 200 federal positions, including several within the Department. The House is in recess this week.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported the National Defense Authorization Act for 2012, and it is expected that the full Senate will take up the bill soon. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the more stringent House-passed bill (H.R. 1540).



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 5, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 8, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

Cybersecurity. On Thursday, July 7 at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, James Baker, Associate Deputy Attorney General, will testify before the House Oversight and Governmental Reform Committee at a hearing entitled "Cybersecurity: Assessing the Nation's Ability to Address the Growing Cyber Threat."

B. Pending Nominations

- 1. Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.

On June 28, the Senate voted to confirm the following nominations: James Cole, to be Deputy Attorney General; Virginia Seitz, to be Assistant Attorney General for the Office of Legal Counsel; and Lisa Monaco, to be Assistant Attorney General for the National Security Division.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; and Michael C. Green, WD NY.

On June 29, the Senate voted to confirm the nomination of Wilma Antoinette Lewis, D V.I.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: S. Amanda Marshall, D OR; John M. Bales, ED TX; Robert L. Pitman, WD TX; Kenneth Magidson, SD TX; Sarah R. Saldana, ND TX; and Gregory K. Davis, SD MS.

On June 29, the Senate voted to confirm the following nominations: Felicia C. Adams, ND MS; Ronald W. Sharpe, D V.I.; George L. Beck, Jr., MD AL; and Thomas Walker, ED NC.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in the Senate Judiciary Committee: Clayton D. Johnson, ND OK; Dennis J. Erby, ND MS; Edward M. Spooner, ND FL; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

On June 29, the Senate voted to confirm the following nominations: Charles Salina, WD NY; Robert Mathieson, ED VA; Juan Mattos, D NJ; Alfred C. Lomax, WD MO; and David L. McNulty, ND NY.

C. **Markups**

House Judiciary Committee. On Thursday, July 7 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 966, the Lawsuit Abuse Reduction Act of 2011, which amends Rule 11 of the Federal Rules of Civil Procedure to make sanctions mandatory. The Committee is also scheduled to mark up H.R. 1439, the Business Activity Tax Simplification Act of 2011, which expands the federal probation against state taxation of interstate commerce. The Committee is also scheduled to mark up H.R. 527, the Regulatory Flexibility Improvements Act of 2011, which amends the Regulatory Flexibility Act of 1980 to scale back regulation of businesses. Finally, the Committee is scheduled to mark up H.R. 1932, the Keep Our Communities Safe Act of 2011, which amends the Immigration and Nationality Act to allow the Secretary of Homeland Security (DHS) to detain indefinitely, subject to six-month review, an alien under orders of removal who cannot be removed, under specified circumstances.

D. **Briefings**

Cybersecurity. On Wednesday, July 6 at 2:30 p.m. and at 4:00 p.m. in Room 2218 of the Rayburn House Office Building, Jason Chipman, Senior Counsel to the Deputy Attorney General, and Leonard Bailey, Counsel at the Computer Crimes and Intellectual Property

Section, will join an interagency briefing team to brief the House Cyber Caucus staff on the Administration's Cybersecurity Proposals. Other briefers are from the Departments of Homeland Security, Commerce and Defense. On Wednesday, July 6 at 4:30 p.m. in the Rayburn House Office Building (location to be determined), the same briefing will be provided to the House Energy and Commerce Committee staff.

E. Floor

On Tuesday, July 5 the Senate will resume consideration of the motion to proceed to S. 1323, a bill to express the sense of the Senate on shared sacrifice in resolving the budget deficit. This week the House is scheduled to complete consideration of H.R. 2219, The Department of Defense Appropriations Act, 2012.

F. Looking Ahead

1. **National Defense Authorization.** The Senate Armed Services Committee has reported the National Defense Authorization Act for 2012, but it is unclear whether the full Senate will take up the bill before the August recess. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the more stringent House-passed bill (H.R. 1540).
2. **Violence Against Native Women.** On Thursday, July 14 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, Tom Perrelli, Associate Attorney General, is expected to testify before the Senate Indian Affairs Committee at a hearing entitled "Native Women: Protecting, Shielding, and Safeguarding Our Sisters, Mothers, and Daughters."



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 11, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 15, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

Violence Against Native Women. On Thursday, July 14 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, Tom Perrelli, Associate Attorney General, will testify before the Senate Committee on Indian Affairs at a hearing entitled “Native Women: Protecting, Shielding, and Safeguarding Our Sisters, Mothers, and Daughters.”

B. Hearings of interest to the Department

- 1. Internet Pornography.** On Tuesday, July 12 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on H.R. 1981, the “Protecting Children from Internet Pornography Act of 2011.”
- 2. Cutting Waste and Fraud in Medicare and Medicaid.** On Tuesday, July 12 at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs subcommittee on Federal Management, Government Information, Federal Services, and International Security will hold a hearing entitled “Harnessing Technology and Innovation to Cut Waste and Curb Fraud in Federal Health Programs?”

3. **Financial Crisis Inquiry Commission.** On Wednesday, July 13 at 9:30 a.m. in Room 2154 of The Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs will hold a hearing entitled “What Went Wrong at the Financial Crisis Inquiry Commission.”
4. **Violence Against Women Act Reauthorization.** On Wednesday, July 13 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled “The Violence Against Women Act: Building on Seventeen Years of Accomplishments.”
5. **Mortgage Origination Issues.** On Wednesday, July 13 at 2:00 p.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Subcommittee on Insurance, Housing and Community Opportunity will hold a hearing on mortgage origination issues.
6. **Public Safety Spectrum.** On Friday, July 15 at 8:30 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Committee will hold a hearing on spectrum and public safety issues.
7. **Design Protection and Piracy.** On Friday, July 15 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on the “Innovative Design Protection and Piracy Act.”
8. **Military Voting Issues.** On Friday, July 15 at 11:00 a.m. in Room 2212 of the Rayburn House Office Building, the House Armed Service Subcommittee on Personnel will hold a hearing on military voting issues.

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; and Michael C. Green, WD NY.

On July 13, the Senate Judiciary Committee will hold a hearing on the following nominations: Morgan Christen, Ninth Circuit; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE.

On July 14, the Senate Judiciary Committee is scheduled to consider the following nominations: Steve Six, Tenth Circuit; Stephen A. Higginson, Fifth Circuit; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Katherine B. Forrest, SD NY; Susan O. Hickey, WD AR; Christopher Droney, Second Circuit; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; and Robert N. Scola, Jr., SD FL.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: S. Amanda Marshall, D OR; John M. Bales, ED TX; Robert L. Pitman, WD TX; Kenneth Magidson, SD TX; Sarah R. Saldana, ND TX; and Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in the Senate Judiciary Committee: Clayton D. Johnson, ND OK; Dennis J. Erby, ND MS; Edward M. Spooner, ND FL; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

D. Markups

1. **House Judiciary Committee.** On Thursday, July 14 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 1932, the Keep Our Communities Safe Act of 2011, which amends the Immigration and Nationality Act to allow the Secretary of Homeland Security (DHS) to detain indefinitely, subject to six-month review, an alien under orders of removal who cannot be removed, under specified circumstances. The Committee is also scheduled to mark up H.R. 2480, the Administrative Conference of the United States Reauthorization Act of 2011, which amends title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2012, 2013, and 2014. The Committee is also scheduled to mark up H.R. 704, the Security and Fairness Enhancement for America Act of 2011, which amends the Immigration and Nationality Act to eliminate the diversity immigrant program.. The Committee is also scheduled to mark up the Fairness for High-Skilled Immigrants Act. Finally, the Committee is scheduled to mark up H.R. 1002, the Wireless Tax Fairness Act of 2011, which prohibits states or local governments from imposing any new discriminatory tax on mobile services, mobile service providers, or mobile service property (i.e., cell phones) for five years after the enactment of this Act.
2. **Senate Judiciary Committee.** On Thursday, July 14 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1231, Second Chance Reauthorization Act of 2011. The Committee is also scheduled to mark up S. 27, Preserve Access to Affordable Generics Act, which addresses anticompetitive agreements between brand name and generic drug manufacturers. Finally, the Committee is scheduled to mark up S. 1228, Combating Military Counterfeits Act, which prohibits trafficking in counterfeit military goods or services.

E. Briefings

1. **IP Sentencing Proposals.** On Monday, July 11 at 3:30 p.m. in Room 2148 of the Rayburn House Office Building, representatives from the White House Intellectual Property

Enforcement Coordinator (IPEC) and the Criminal Division will brief staff for the House Judiciary Committee of the IP sentencing proposals recently transmitted to the Hill by the IPEC. These proposals will also be transmitted as part of the Administration's Transnational Organized Crime Strategy.

2. **Warsame Detention and Prosecution.** On Tuesday, July 12 at 5:00 p.m. in Room 217 of the Senate Visitors Center, Lisa Monaco, Assistant Attorney General for the National Security Division, and Andrew McCabe, Deputy Assistant Director of the FBI, will participate in a classified interagency briefing for Senate leadership and committee staff regarding the detention and prosecution of Ahmed Abdulkadir Warsame. This follows a similar briefing provided to the House on July 21. The panel also will include Jeh Johnson, General Counsel of the Department of Defense; Andrew Liepmann, Deputy Director of the National Counterterrorism Center; and Nader Baroukh, Associate General Counsel of the Department of Homeland Security.
3. **Semiannual FISA Report of the Attorney General.** At a date and time to be determined in Room 304 of the House Visitors' Center, staff from the National Security Division, the National Security Agency, and the Federal Bureau of Investigation, will brief House Permanent Select Committee on Intelligence staff regarding the Attorney General's semiannual report under FISA, and three other FISA reports recently submitted to Congress.
4. **Data Retention.** On Wednesday, July 13, representatives of the Criminal Division expect to participate in a phone briefing with staff from the House Judiciary Committee, to provide technical assistance on the data retention piece of H.R. 1981, the "Protecting Children from Internet Pornographers Act of 2011." As of this writing, the date and time of the briefing have not yet been confirmed.
5. **Counterfeits.** On Friday, July 15, representatives of the Criminal Division, Civil Division, and possibly the U.S. Attorney's Office for the District of Columbia will brief staff for the Senate Armed Services Committee on the DOJ role in the Interagency Counterfeits Working group. As of this writing, the date and time of the briefing have not yet been confirmed.

F. Floor

On Monday, July 11 the Senate will take up consideration of a non-binding bill on deficit reduction.

G. Looking Ahead

1. **National Defense Authorization.** The Senate Armed Services Committee has reported the National Defense Authorization Act for 2012, but it is unclear whether the full Senate will take up the bill before the August recess. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the more stringent House-passed bill (H.R. 1540).



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 18, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 22, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Afghanistan.** On Wednesday, July 20 at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building, Thomas Harrigan, Chief of Operations for the Drug Enforcement Administration, will testify before the Senate Caucus on International Narcotics Control at a hearing entitled "Counternarcotics Efforts in Afghanistan."
2. **High Value Detainee Interrogation Group.** On Thursday, July 21 at 2:30 p.m. in Room 2123 of the Rayburn House Office Building, Andrew McCabe, FBI Deputy Assistant Director, will testify before the Senate Select Committee on Intelligence at a closed hearing on the High Value Detainee Interrogation Group.

B. Hearings of interest to the Department

1. **Consumer Financial Protection.** On Tuesday, July 19 at 10:00 a.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold a hearing entitled "Enhanced Consumer Financial Protection After the Financial Crisis."

2. **Drug and Veterans Treatment Courts.** On Tuesday, July 19 at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Crime and Terrorism will hold a hearing entitled, “Drug and Veterans Treatment Courts: Seeking Cost-Effective Solutions for Protecting Public Safety and Reducing Recidivism.”
3. **Repeal of Defense of Marriage Act.** On Wednesday, July 20 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for state regulation of marriage.
4. **Legislative Proposals on Regulation.** On Wednesday, July 20 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing on pending legislative proposals relating to federal regulation.
5. **Gulf Oil Spill.** On Wednesday, July 20 at 2:30 p.m. in Room 253 of the Russell Senate Office Building, the Senate Commerce, Science and Transportation Committee will hold a hearing on what can be learned in terms of prevention, response and restoration from the Gulf oil spill.
6. **Wall Street Reform Act.** On Thursday, July 21 at 10:00 a.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold a hearing entitled, “Enhanced Oversight After the Financial Crisis: The Wall Street Reform Act at One Year.”
7. **Controlled Substances.** On Thursday, July 21 at 10:00 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Health will hold a hearing entitled “Bioterrorism, Controlled Substances and Public Health Issues.” The DEA will submit a written statement for the record.

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Stephen A. Higginson, Fifth Circuit; J. Paul Oetken, SD NY; Paul A. Engelmayer, SD NY; Ramona V. Manglona, D NMI; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Kathine B. Forrest, SD NY; and Susan O. Hickey, WD AR.

On July 18, the Senate voted to confirm the nomination of Paul Oetken, SD NY.

On July 21, the Senate Judiciary Committee is scheduled to consider the following nominations: Steve Six, Tenth Circuit; Christopher Droney, Second Circuit; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; Robert N. Scola, Jr., SD FL; and Clayton D. Johnson, ND OK.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: S. Amanda Marshall, D OR; John M. Bales, ED TX; Robert L. Pitman, WD TX; Kenneth Magidson, SD TX; Sarah R. Saldana, ND TX; and Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in the Senate Judiciary Committee: Clayton D. Johnson, ND OK; Dennis J. Erby, ND MS; Edward M. Spooner, ND FL; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

D. Markups

1. **House Judiciary Committee.** On Wednesday, July 20 at 10:15 a.m. and on Thursday, July 21 at 10:00 a.m. in Room 2141, the House Judiciary Committee is scheduled to mark up:
 - H.R. 704, the “Security and Fairness Enhancement for America Act of 2011,” which would eliminate the diversity immigrant program.
 - H.R. 1550, the “Federal Law Enforcement Recruitment and Retention Act of 2011” which would establish Homeland Security Department and Justice Department programs to recruit individuals for authorized federal law enforcement and security positions in states that have experienced a high rate of homicides and other violent crimes.
 - H.R. 2076, the “Investigative Assistance for Violent Crimes Act of 2011” which would clarify the statutory authority for the Department to provide investigatory assistance on serious violent crimes to State and local authorities.
 - H.R. 963, the “See Something, Say Something Act of 2011,” which would grant immunity from civil liability to persons who report suspicious or terrorist activities to law enforcement.
 - H.R. 1059, To protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports.
 - H.R. 2552, the “Identity Theft Improvement Act of 2011,” which would remove the requirement that the Government prove that the defendant knew the means of identification was of another person.
 - H.R. 1981, the “Protecting Children From Internet Pornographers Act of 2011,” which would criminalize financial transactions that will knowingly facilitate access to, or the possession of, child pornography, adds an 18 month data retention requirement for providers of electronic communication or remote computing services, and enhances penalties for possession of child pornography.

2. **Senate Judiciary Committee.** On Thursday, July 21 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up:
- S. 1231, Second Chance Reauthorization Act of 2011, which would reauthorize programs aimed at reducing recidivism. The bill includes two administration proposals related to good conduct time and recidivism reduction programs for Federal prisoners.
 - S. 27, Preserve Access to Affordable Generics Act, which would stop anticompetitive agreements between brand name and generic drug manufacturers and other anticompetitive practices in the pharmaceutical industry that harms consumers.
 - S. 1228, Combating Military Counterfeits Act, which would prohibit trafficking in counterfeit military goods or services.
 - S. 401, Public Corruption Prosecution Improvements Act, which revises and expands prohibitions on bribery, theft of public money, and other public corruption offenses.
 - S. 657, National Blue Alert Act of 2011, which would establish a national Blue Alert communications network within the Department to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

E. Briefings

1. **Military Counterfeits.** On Thursday, July 21 at 10:00 a.m. in Room 228 of the Russell Senate Office Building, representatives from the Civil Division and Criminal Division will brief staff for the Senate Armed Services Committee on the Department's perspective on the definition of "counterfeit," as well as the Department's enforcement efforts, particularly with respect to counterfeit electronics, and the statutory basis for the Department's cases.
2. **Semiannual FISA Report of the Attorney General.** On Thursday, July 21, at 10:00 a.m. in Room 304 of the House Visitors' Center, representatives of the National Security Division, the National Security Agency, and the Federal Bureau of Investigation, will brief House Permanent Select Committee on Intelligence staff regarding the Attorney General's semiannual report under FISA, and three other FISA reports recently submitted to Congress.

F. Floor

This week, the House and Senate are likely to take up measures related to federal spending and a balanced budget. The House will also consider H.R. 2553, which would extend Federal Aviation Administration programs, and H.R. 1315, which would make it easier to overturn Consumer Financial Protection Bureau regulations.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported the National Defense Authorization Act for 2012, but it is unlikely that the full Senate will take up the bill before the August recess. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the more stringent House-passed bill (H.R. 1540). It is anticipated that the Department will participate in interagency briefings regarding these provisions for selected Senate staff over the next two weeks.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 25, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 29, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Operation Fast and Furious.** On Tuesday, July 26 at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing entitled "Operation Fast and Furious: the Other Side of the Border" and will hear testimony from the following witnesses: Carlos Canino, ATF Acting Attaché to Mexico; Darren Gil, Former ATF Attaché to Mexico; Jose Wall, ATF Senior Special Agent, Tijuana, Mexico; Lorren Leadmon, ATF Intelligence Operations Specialist; William Newell, Former ATF Special Agent in Charge, Phoenix Field Division; William McMahon, ATF Deputy Assistant Director for Field Operations (West, including Phoenix and Mexico).
2. **Public Corruption.** On Tuesday, July 26 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on H.R. 2572, the "Clean Up Government Act of 2011." Mary Pat Brown, Deputy Assistant Attorney General for the Criminal Division, will testify.
3. **Treaty Obligations.** On Wednesday, July 27 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing entitled "Fulfilling Our Treaty Obligations and Protecting Americans Abroad." Bruce Swartz, Deputy Assistant Attorney General for the Criminal Division, will testify along with Under Secretary of State Patrick Kennedy.

B. Hearings of interest to the Department

1. **Detention and Prosecution in the War on Terror.** On Tuesday, July 26 at 10:00 a.m. in Room 2118 of the Rayburn House Office Building, the House Armed Services Committee will hold a hearing entitled “Ten Years After the 2001 Authorization for Use of Military Force: Current Status of Legal Authorities, Detention, and Prosecution in the War on Terror.” Witnesses will include former Attorney General Michael Mukasey; Daniel Dell’Orto, former Deputy General Counsel and Acting General Counsel, Department of Defense; Steven Engel, former Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; and Robert Chesney, former adviser, Detainee Policy Task Force.
2. **Nuclear Terrorism Prevention.** On Tuesday, July 26 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies will hold a hearing entitled “The Last Line of Defense: Federal, State and Local Efforts to Prevent Nuclear and Radiological Terrorism Within the United States.”
3. **Immigration Reform.** On Tuesday, July 26 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Immigration, Refugees and Border Security will hold a hearing entitled “The Economic Imperative for Enacting Immigration Reform.”
4. **Internet Gaming.** On Tuesday, July 26 at 1:00 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold a roundtable discussion entitled “The Future of Internet Gaming: What’s at Stake for Tribes?”
5. **Immigration Legislation.** On Tuesday, July 26 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing on H.R. 2497, the “Hinder the Administration’s Legalization Temptation [HALT] Act.”
6. **Emerging Security Threats.** On Tuesday, July 26 at 3:00 p.m. in Room 2212 of the Rayburn House Office Building, the House Armed Services Subcommittee on Emerging Threats and Capabilities will hold a hearing on Department of Defense investments in technology, as well as its capability to meet emerging security threats.
7. **Violent Extremism.** On Wednesday, July 27 at 9:30 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a the third in the series of hearings on violent extremism in the United States entitled “Al Shabaab: Recruitment and Radicalization within the Muslim American Community and the Threat to the Homeland.”
8. **Bankruptcy Trustee Responsibilities.** On Wednesday, July 27 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing entitled “Chapter 7 Bankruptcy Trustee Responsibilities and Remuneration.”

9. **Violent Extremism.** On Wednesday, July 27 at 3:00 p.m. in Room B-318 of the Rayburn House Office Building, the House Select Intelligence Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence will hold an open hearing on a report by the Bipartisan Policy Center on efforts to prevent violent extremism in the United States.
10. **Improper Medicare Payments.** On Thursday, July 28 at 9:30 a.m. in Room 2247 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on Government Organization, Efficiency and Financial Management will hold a hearing entitled “Improper Medicare Payments: \$48 Billion in Waste.”
11. **Indian Gaming Regulation.** On Thursday, July 28 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold a hearing entitled “Enforcing the Indian Gaming Regulatory Act: The Role of the National Indian Gaming Commission and Tribes as Regulators.”

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; and Charles Massarone, to be a Commissioner on the United States Parole Commission.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Stephen A. Higginson, Fifth Circuit; Christopher Droney, Second Circuit; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Kathine B. Forrest, SD NY; Susan O. Hickey, WD AR; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; and Robert N. Scola, Jr., SD FL.

On July 18, the Senate voted to confirm J. Paul Oetken, SD NY. On July 26, the Senate will vote on the following nominations: Paul A. Engelmayer, SD NY; and Ramona Villagomez Manglona, D NMI.

On July 27, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; Jesse M. Furman, SD NY; James Rodney Gilstrap, ED TX; and Jennifer Guerin Zipps, D AZ.

On July 28, the Senate Judiciary Committee is scheduled to consider the following nominations: Steve Six, Tenth Circuit; Morgan Christen, Ninth Circuit; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; and Richard G. Andrews, D DE.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: S. Amanda Marshall, D OR; John M. Bales, ED TX; Robert L. Pitman, WD TX; Kenneth Magidson, SD TX; Sarah R. Saldana, ND TX; and Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS; Edward M. Spooner, ND FL; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

The following nomination is pending on the Senate Executive Calendar: Clayton D. Johnson, ND OK.

D. Markups

1. **House Judiciary Committee.** On Wednesday, July 27 at 11:15 a.m. and on Thursday, July 28 at 10:00 a.m. in Room 2141, the House Judiciary Committee is scheduled to mark up:
 - H.R. 1981, the “Protecting Children From Internet Pornographers Act of 2011,” which would criminalize financial transactions by persons who facilitate access to, or the possession of, child pornography, adds an 18 month data retention requirement for providers of electronic communication or remote computing services, and enhances penalties for possession of child pornography.
 - H.R. 1433, the “Private Property Rights Protection Act of 2011,” which would prohibit federal, state and local governments from exercising their power of eminent domain over property to be used for economic development under specified circumstances.
 - H.R. 83, the “Bullying Prevention and Intervention Act of 2011,” which would allow the use of juvenile accountability block grants for bullying prevention and intervention programs.
 - H.R. 2633, the “Appeal Time Clarification Act of 2011,” which would clarify that the 60-day time for appealing a case involving a federal party also applies to cases where an officer or employee of the United States is sued in his or her individual capacity for acts or omissions in connection with the performance of his or her duties.
 - H.R. 2189, the “Death in Custody Reporting Act of 2011,” which would require states that receive certain criminal justice assistance grants to send to the Attorney General quarterly and annual reports of certain information regarding the death of any person who is detained, arrested, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison.
2. **Senate Judiciary Committee.** On Thursday, July 28 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up:
 - S. 401, Public Corruption Prosecution Improvements Act, which revises and expands prohibitions on bribery, theft of public money, and other public corruption offenses.
 - S. 657, National Blue Alert Act of 2011, which would establish a national Blue Alert communications network within the Department to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.
 - S. 409, Combating Dangerous Synthetic Stimulants Act of 2011, which would include as a Schedule I controlled substance any material, compound, mixture, or preparation which

contains the ingredients found in bath salts: 4-methylmethcathinone (Mephedrone) or 3,4-methylenedioxypyrovalerone (MDPV) or their salts, isomers, or salts of isomers.

- S. 605, Dangerous Synthetic Drug Control Act of 2011 which would double the timeframe the Drug Enforcement Administration and the Department of Health and Human Services have to emergency schedule substances from 18 months to 36 months. The bill would also include as a Schedule I controlled substance any material, compound, mixture, or preparation which contains cannabimimetic agents or their salts, isomers, or salts of isomers.
- S. 839, Combating Designer Drugs Act of 2011 which would include as a Schedule I controlled substance any material, compound, mixture, or preparation which contains the chemicals found in the drug 2C-E.

E. Briefings

1. **Transnational Organized Crime.** On Tuesday, July 26, the White House Office of National Drug Control Policy (ONDCP), the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice and the Office of Director of National Intelligence will conduct briefings on the Strategy to Combat Transnational Organized Crime. The Senate briefing will be held at 1:00 p.m. in Room 226 of the Dirksen Senate Office Building, and the House briefing will be held at 3:00 p.m. in Room 311 of the Cannon House Office Building.
2. **FISA Amendments Act Assessment.** On Thursday, July 28, at 3:00 p.m. in Room 304 of the House Visitors' Center, representatives of the National Security Division, the Office of the Director of National Intelligence, the National Security Agency, and the Federal Bureau of Investigation, will brief House Permanent Select Committee on Intelligence staff regarding the Department of Justice and the Director of National Intelligence's recent assessment of compliance with certain procedures and guidelines under the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (FAA).

F. Floor

This week, the House and Senate are likely to take up measures related to federal spending, a balanced budget and the debt limit. On July 25, the House approved by voice vote S. 1103, which extends the FBI director's term. The bill has already passed the Senate and now goes to the President.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported the National Defense Authorization Act for 2012, but it is unlikely that the full Senate will take up the bill before the August recess. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the more stringent House-passed bill (H.R. 1540). It is anticipated that the Department will participate in informal interagency briefings regarding these provisions for selected Senate staff over the next several weeks.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 1, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending August 1, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Cybercrime.** On Wednesday, August 3 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, James A. Baker, Associate Deputy Attorney General, will testify before the Senate Judiciary Committee at a hearing entitled "Cybercrime: Updating the Computer Fraud and Abuse Act to Protect Cyberspace and Combat Emerging Threats."
2. **Violence Against Women.** On Wednesday, August 3 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Susan Carbon, Director of the Office on Violence Against Women, will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at an oversight hearing on the Office on Violence Against Women.

B. Hearings of interest to the Department

1. **National Mortgage Servicing Standards.** On Tuesday, August 2 at 10:00 a.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold a hearing entitled "Housing Finance Reform: National Mortgage Servicing Standards."
2. **DOD Contracting in Afghanistan.** On Wednesday, August 3 at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on National Security, Homeland Defense and Foreign Operations will hold a hearing entitled "Defense Department Contracting in Afghanistan: Are We Doing Enough to Combat Corruption?"

3. **Bureau of Consumer Financial Protection Nomination.** On Thursday, August 4 at 2:00 p.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold a confirmation hearing on the nomination of Richard Cordray to be the first director of the Bureau of Consumer Financial Protection.
4. **SEC Overhaul.** On Thursday, August 4 at 2:00 p.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Committee will hold a hearing entitled “Fixing the Watchdog: Legislative Proposals to Improve and Enhance the Securities and Exchange Commission (SEC).”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshall nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; and Michael Horowitz, to be the Inspector General.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Bernice Bouie Donald, Sixth Circuit; Henry Floyd, Fourth Circuit; Stephen A. Higginson, Fifth Circuit; Christopher Droney, Second Circuit; Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; Sara L. Darrow, CD IL; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Katherine B. Forrest, SD NY; Susan O. Hickey, WD AR; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; and Robert N. Scola, Jr., SD FL.

On July 26, the Senate voted to confirm the following nominations: Paul A. Engelmayer, SD NY; and Ramona Villagomez Manglona, D NMI.

On August 4, the Senate Judiciary Committee is scheduled to consider the following nominations: Morgan Christen, Ninth Circuit; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; and Richard G. Andrews, D DE.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: S. Amanda Marshall, D OR; John M. Bales, ED TX; Robert L. Pitman, WD TX; Kenneth Magidson, SD TX; Sarah R. Saldana, ND TX; and Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS; Edward M. Spooner, ND FL; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

The following nomination is pending on the Senate Executive Calendar: Clayton D. Johnson, ND OK.

D. Markups

1. **House Judiciary Committee.** On Monday, August 1 at 10:00 a.m. in Room 2141, the House Judiciary Committee is scheduled to resume its markup of:
 - H.R. 1433, the “Private Property Rights Protection Act of 2011,” which would prohibit federal, state and local governments from exercising their power of eminent domain over property to be used for economic development under specified circumstances.
 - H.R. 83, the “Bullying Prevention and Intervention Act of 2011,” which would allow the use of juvenile accountability block grants for bullying prevention and intervention programs.
 - H.R. 2633, the “Appeal Time Clarification Act of 2011,” which would clarify that the 60-day time for appealing a case involving a federal party also applies to cases where an officer or employee of the United States is sued in his or her individual capacity for acts or omissions in connection with the performance of his or her duties.
2. **Senate Judiciary Committee.** On Thursday, August 4 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 657, the “National Blue Alert Act of 2011,” which would establish a national Blue Alert communications network within the Department to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty. This markup is likely to be postponed due to the Senate recess.

E. Briefings

1. **Countering Violent Extremism.** On Monday, August 1 at 11:30 a.m. in Room 340 of the Dirksen Senate Office Building, representatives from the Department briefed Senate Homeland Security and Government Affairs Committee staff on the Department’s outreach efforts affecting the countering violent extremism (CVE) arena.
2. **NSA Congressional Notification.** On Thursday, August 4 at 11:00 a.m., in Room 219 of the Hart Senate Office Building, representatives of the National Security Agency and the National Security Division will provide a closed briefing to Senate Select Committee on Intelligence staff regarding matters related to a congressional notification that was submitted to the committee.

F. Floor

This week, the House and Senate will resume consideration of legislation to increase the debt limit increase. The House will also consider H.R. 1933 which would modify the requirements for admission of nonimmigrant nurses in health professional shortage areas and H.R. 398 which would toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill following the August recess. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the more stringent House-passed bill (H.R. 1540). The Department is working with our interagency partners to organize informal briefings regarding these provisions for selected Senate staff during the recess.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 6, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 9, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

Cybercrime. On Wednesday, September 7 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, James A. Baker, Associate Deputy Attorney General, will testify before the Senate Judiciary Committee at a hearing entitled "Cybercrime: Updating the Computer Fraud and Abuse Act to Protect Cyberspace and Combat Emerging Threats."

B. Hearings of interest to the Department

1. **Combating Terrorist Financing.** On Tuesday, September 6 at 10:00 a.m. at the George Gustav Heye Center in the Alexander Hamilton U.S. Custom House located at One Bowling Green, New York, NY, the House Financial Services Committee will hold a field hearing entitled "Combating Terror Post-9/11: Oversight of the Office of Terrorism and Financial Intelligence."
2. **Department of Homeland Security.** On Wednesday, September 7 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing entitled "Defending the Nation Since 9/11: Successful Reforms and Challenges Ahead at the Department of Homeland Security."
3. **9/11 Attacks.** On Thursday, September 8 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing entitled "The Attacks of September 11th: Where are We Today."

4. **Bankruptcy Overhaul.** On Thursday, September 8 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing entitled “Chapter 11 Bankruptcy Venue Reform Act of 2011.”
5. **New State Voting Laws.** On Thursday, September 8 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Constitution, Civil Rights and Human Rights will hold a hearing entitled “New State Voting Laws: Barriers to the Ballot?”
6. **Asbestos Compensation System.** On Friday, September 9 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Constitution will hold a hearing entitled “How Fraud and Abuse in the Asbestos Compensation System Affect Victims, Jobs, the Economy and the Legal System.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshall nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; and Michael Horowitz, to be the Inspector General.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Henry Floyd, Fourth Circuit; Stephen A. Higginson, Fifth Circuit; Christopher Droney, Second Circuit; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Katherine B. Forrest, SD NY; Susan O. Hickey, WD AR; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; and Robert N. Scola, Jr., SD FL.

On August 2, the Senate confirmed the following nominations: Kathleen M. Williams, SD FL; Nelva G. Ramos, SD TX; Richard B. Jackson, D CO; and Sara L. Darrow, CD IL.

On September 6, the Senate confirmed the nomination of Bernice Bouie Donald, Sixth Circuit.

On September 7, the Senate Judiciary Committee will hold a hearing on the following nominations: Evan Wallach, Federal Circuit; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; and Margo Brodie, ED NY.

On September 8, the Senate Judiciary Committee will consider the following nominations: Morgan Christen, Ninth Circuit; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; Edgardo Ramos, SD NY;

Andrew L. Carter, Jr., SD NY; Jesse M. Furman, SD NY; James Rodney Gilstrap, ED TX; and Jennifer Guerin Zipps, D AZ.

3. **U.S. Attorneys.** In addition to those noted below, the following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS; and David Barlow, D UT.

On September 8, the Senate Judiciary Committee will consider the following nominations: S. Amanda Marshall, D OR; Kenneth Magidson, SD TX; Robert L. Pitman, WD TX; John Malcolm Bales, ED TX; and Sarah Ruth Saldana, ND TX.

4. **U.S. Marshals.** In addition to the one noted below, the following individuals have been nominated by the President to serve as United States Marshals and their nominations are pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

On August 2, the Senate confirmed the nomination of Clayton D. Johnson, ND OK.

On September 8, the Senate Judiciary Committee will consider the nomination of Edward M. Spooner, ND FL.

D. Markups

Senate Judiciary Committee. On Thursday, September 8 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up:

- S. 657, National Blue Alert Act of 2011, which would establish a national Blue Alert communications network within the Department to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.
- S. 1151, Personal Data Privacy and Security Act of 2011, which would enhance the criminal penalties and law enforcement assistance for identity theft and other violations of data privacy.
- S. 1408, Data Breach Notification Act, which would require, in the event of a security breach, fraudulent access, or the misuse of personally identifiable information, any federal agency or business engaged in interstate commerce to notify any U.S. resident whose information may have been accessed or acquired and to notify the owner or licensee of any such information.

E. Briefings

Synthetic Drugs. On September 7, at 2:00 p.m. in Room 2103 of the Rayburn House Office Building, Congressman Dent and Congressman Adams will co-host a Member and staff educational briefing concerning synthetic drugs, particularly the harms of these substances and compounds. DEA, FDA, HHS, and ONDCP are all sending panelists to speak, present, and participate in the event.

F. Floor

This week, the Senate is scheduled to consider a House-passed patent overhaul measure (HR 1249). The House convenes on Wednesday and is expected to consider H.R. 1892, the Intelligence Authorization Act for FY 2012.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to conduct briefings regarding these provisions for selected Senate staff.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 12, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 16, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Civil Rights Division Oversight.** On Tuesday, September 13 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Thomas Perez, Assistant Attorney General for Civil Rights, will testify before the Senate Judiciary Committee at an oversight hearing on the Department's Civil Rights Division.
2. **National Security.** On Tuesday, September 13 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, Robert S. Mueller, III, Director of the FBI, will testify before the Senate Homeland Security and Governmental Affairs Committee at a hearing entitled "Ten Years after 9/11: Are we Safer?" Department of Homeland Security Secretary Janet Napolitano and National Counterterrorism Center Director Matthew Olsen are also scheduled to testify.
3. **Trafficking Victims Protection Act.** On Wednesday, September 14 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Mary Lou Leary, Principal Deputy Assistant Attorney General for the Office of Justice Programs, will testify before the Senate Judiciary Committee at a hearing entitled "The Trafficking Victims Protection Reauthorization Act: Renewing the Commitment to Victims of Human Trafficking." Luis CdeBaca, Ambassador-At-Large, Office to Monitor and Combat Trafficking In Persons, Department of State, and Kelly Ryan, acting Deputy Assistant Secretary of Homeland Security for Immigration and Border Security, also are scheduled to testify.

B. Hearings of interest to the Department

1. **Threats against the United States Since 9/11.** On Tuesday, September 13 at 9:30 a.m. in Room 210 of the House Visitors Center, the House and Senate Committees will hold a joint hearing on threats against the United States, focusing on the period since the 9/11 attacks. James R. Clapper, Jr., Director of National Intelligence, and David H. Petraeus, Director of the Central Intelligence Agency, are scheduled to testify.
2. **Terrorism and the Visa System.** On Tuesday, September 13 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing entitled “Ten Years after 9./1: Can Terrorists Still Exploit Our Visa System?”
3. **Cybercrime.** On Wednesday, September 14 at 10:00 a.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Subcommittee on Financial Institutions and Consumer Credit will hold a hearing entitled “Cybersecurity: Threats to the Financial Sector.”
4. **Investor Visa Program.** On Wednesday, September 14 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled “The Investor Visa Program: Key to Creating American Jobs.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshall nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; Michael Horowitz, to be the Inspector General; and Kathryn Keneally, to be the Assistant Attorney General for the Tax Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Henry Floyd, Fourth Circuit; Stephen A. Higginson, Fifth Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Susan O. Hickey, WD AR; Katherine B. Forrest, SD NY; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; Robert N. Scola, Jr., SD FL; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; and Jennifer Guerin Zipps, D AZ.

On September 15, the Senate Judiciary Committee will consider the following nominations: Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; Jesse M. Furman, SD NY; and James Rodney Gilstrap, ED TX.

3. **U.S. Attorneys.** The following nominations are pending on the Senate Executive Calendar: S. Amanda Marshall, D OR; Kenneth Magidson, SD TX; Robert L. Pitman, WD TX; John Malcolm Bales, ED TX; and Sarah Ruth Saldana, ND TX. In addition, the following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS; and David Barlow, D UT.
4. **U.S. Marshals.** The nomination of Edward M. Spooner, ND FL, is pending on the Senate Executive Calendar. In addition, the following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

D. Markups

Senate Judiciary Committee. On Thursday, September 15 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up three bills related to the security of personally identifiable information:

- S. 1151, Personal Data Privacy and Security Act of 2011 (Leahy), which would enhance the criminal penalties and law enforcement assistance for identity theft and other violations of data privacy.
- S. 1408, Data Breach Notification Act (Feinstein), which would require, in the event of a security breach, fraudulent access, or the misuse of personally identifiable information, any federal agency or business engaged in interstate commerce to notify any U.S. resident whose information may have been accessed or acquired and to notify the owner or licensee of any such information.
- S. 1535, Personal Data Protection and Breach Accountability Act of 2011 (Blumenthal), which would provide notice and remedies to consumers in the wake of a data breach, hold companies accountable for preventable breaches, facilitate the sharing of post-breach technical information between companies, and enhance criminal and civil penalties and other protections against the unauthorized collection or use of personally identifiable information.

E. Briefings

Trafficking Victims Protection Reauthorization Act. On Monday, September 12 at 3 p.m. in Room 226 of the Dirksen Senate Office Building, in advance of the September 14 hearing, representatives of the Civil Rights Division and the Criminal Division's Child Exploitation and Obscenity Section briefed staff for the members of the Senate Judiciary Committee on the Department's grant programs combating human trafficking. Also participating in the briefing were representatives from the Departments of State and Homeland Security.

F. Floor

This week, the Senate is scheduled to consider a House-passed resolution that could be a vehicle for an extension of federal transportation programs (HR 658). House leadership plans to bring legislation to the floor this week combining extensions of Federal Aviation Administration and surface transportation authorizations.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to conduct briefings regarding these provisions for selected Senate staff.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 19, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 23, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

- 1. Terrorist Financing.** On Wednesday, September 21 at 10:15 a.m. in Room 226 of the Dirksen Senate Office Building, Lisa O. Monaco, Assistant Attorney General for the National Security Division, and Ralph S. Boelter, Acting Assistant Director, Counterterrorism Division, FBI, will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing entitled "Countering Terrorist Financing: Progress and Priorities." Also testifying will be Daniel L. Glaser, Assistant Secretary for Terrorist Financing, Department of the Treasury.
- 2. Tribal Law and Order.** On Thursday, September 22 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, Thomas Perrelli, Associate Attorney General, and Brendan Johnson, United States Attorney for South Dakota, will testify before the Senate Indian Affairs Committee at a hearing entitled "Tribal Law and Order Act One Year Later: Have We Improved Public Safety in Indian Country?" Other government witnesses appearing on the panel will be Larry Echo Hawk, Assistant Secretary – Indian Affairs, U.S. Department of the Interior; Pamela S. Hyde, Administrator, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services; and Dr. Rose Weahkee, Director, Division of Behavioral Health in the Office of Clinical and Preventive Services, Indian Health Service.

B. Hearings of interest to the Department

1. **Intelligence Community Contractors.** On Tuesday, September 20 at 9:30 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia will hold a hearing entitled “Intelligence Community Contractors: Are We Striking the Right Balance?”
2. **Express Scripts - Medco Merger.** On Tuesday, September 20 at 3:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing entitled “The Proposed Merger between Express Scripts and Medco.”
3. **Google.** On Wednesday, September 21 at 9:30 a.m. in Room 210 of the House Visitors Center, the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a joint hearing entitled “The Power of Google: Serving Consumers or Threatening Competition.”
4. **Wartime Contracting.** On Wednesday, September 21 at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing entitled “Transforming Wartime Contracting: Recommendations of the Commission on Wartime Contracting.”
5. **Marijuana on Public Lands.** On Wednesday, September 21 at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building, the Senate Caucus on International Narcotics Control will hold a hearing on marijuana cultivation on public lands in the U.S.
6. **Terrorism and the Visa System.** On Thursday, September 22 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Administrative Oversight and the Courts will hold a hearing entitled “Protecting Seniors and Persons with Disabilities – An Examination of Court-Appointed Guardians.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; Michael Horowitz, to be the Inspector General; and Kathryn Keneally, to be the Assistant Attorney General for the Tax Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Henry Floyd, Fourth Circuit; Stephen A. Higginson, Fifth Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Susan O. Hickey, WD AR; Katherine B. Forrest, SD NY; Robert D. Mariani, MD PA; Cathy Bissoon,

WD PA; Mark R. Hornak, WD PA; Robert N. Scola, Jr., SD FL; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; Jennifer Guerin Zipps, D AZ; Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; Jesse M. Furman, SD NY; and James Rodney Gilstrap, ED TX.

On September 20, the Senate Judiciary Committee will hold a hearing on the following nominations: Adalberto Jose Jordan, Eleventh Circuit; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; and David Nuffer, D UT.

On September 22, the Senate Judiciary Committee will consider the following nominations: Evan Wallach, Federal Circuit; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; and Margo Brodie, ED NY.

3. **U.S. Attorneys.** The following nominations are pending on the Senate Executive Calendar: S. Amanda Marshall, D OR; Kenneth Magidson, SD TX; Robert L. Pitman, WD TX; John Malcolm Bales, ED TX; and Sarah Ruth Saldana, ND TX. In addition, the following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS; and David Barlow, D UT.
4. **U.S. Marshals.** The nomination of Edward M. Spooner, ND FL, is pending on the Senate Executive Calendar. In addition, the following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, September 22 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 1151, Personal Data Privacy and Security Act of 2011 (Leahy), which would enhance the criminal penalties and law enforcement assistance for identity theft and other violations of data privacy (continuing markup from Thursday, September 15).
 - S. 1408, Data Breach Notification Act (Feinstein), which would require, in the event of a security breach, fraudulent access, or the misuse of personally identifiable information, any federal agency or business engaged in interstate commerce to notify any U.S. resident whose information may have been accessed or acquired and to notify the owner or licensee of any such information.
 - S. 1535, Personal Data Protection and Breach Accountability Act of 2011 (Blumenthal), which would provide notice and remedies to consumers in the wake of a data breach, hold companies accountable for preventable breaches, facilitate the sharing of post-breach technical information between companies, and enhance criminal and civil penalties and other protections against the unauthorized collection or use of personally identifiable information.
 - H.R. 2480, Administrative Conference of the United States Reauthorization Act of 2011, which would authorize appropriations for FY2012 – FY2014.

2. **House Judiciary Committee.** On Wednesday, September 14 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 2885, Legal Workforce Act, which would make mandatory and permanent requirements relating to use of an electronic employment eligibility verification system.
 - H.R. 2847, American Specialty Agriculture Act, which would create a nonimmigrant H-2C work visa program for agricultural workers.

E. Briefings

1. **ATF's Operation Castaway.** On Wednesday, September 21 at 2:00 p.m. in Room B373 of the Rayburn House Office Building, ATF officials will brief the staff of the House Oversight and Government Reform Committee, the Senate Judiciary Committee and Congressman Gus Bilirakis on ATF's Operation Castaway.
2. **Cyber Information Sharing.** On Thursday, September 22 at 2:00 p.m. in Room 228 of the Russell Senate Office Building, representatives from the White House and the Departments of Justice, Defense and State will participate in a Cyber Information Sharing Working Group Meeting with the Senate Armed Services Committee.

F. Floor

This week, the House and Senate are scheduled to consider a continuing resolution to keep the government operating beyond September 30. On Tuesday, September 20, the House will take up legislation, H.R. 2944, to reauthorize the U.S. Parole Commission. The bill is supported by the Department and will be considered under suspension of the rules.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to conduct briefings regarding these provisions for selected Senate staff.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 26, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 30, 2011

Both the House and the Senate are in recess.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

There are no hearings scheduled this week.

B. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; Michael Horowitz, to be the Inspector General; and Kathryn Keneally, to be the Assistant Attorney General for the Tax Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Henry Floyd, Fourth Circuit; Stephen A. Higginson, Fifth Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; John A. Ross, ED MO; Timothy M. Cain, D SC; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; Michael C. Green, WD NY; Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Susan O. Hickey, WD AR; Katherine B. Forrest, SD NY; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; Robert N. Scola, Jr., SD FL; Scott W. Skavdahl, D WY;

Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; Jennifer Guerin Zipps, D AZ; Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; Jesse M. Furman, SD NY; and James Rodney Gilstrap, ED TX.

On September 20, the Senate Judiciary Committee will hold a hearing on the following nominations: Adalberto Jose Jordan, Eleventh Circuit; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; and David Nuffer, D UT.

On September 22, the Senate Judiciary Committee will consider the following nominations: Evan Wallach, Federal Circuit; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; and Margo Brodie, ED NY.

3. **U.S. Attorneys.** The following nominations are pending on the Senate Executive Calendar: S. Amanda Marshall, D OR; Kenneth Magidson, SD TX; Robert L. Pitman, WD TX; John Malcolm Bales, ED TX; and Sarah Ruth Saldana, ND TX. In addition, the following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS; and David Barlow, D UT.
4. **U.S. Marshals.** The nomination of Edward M. Spooner, ND FL, is pending on the Senate Executive Calendar. In addition, the following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS; David B. Webb, ED PA; Martin J. Pane, MD PA; and Steven R. Frank, WD PA.

C. **Markups**

There are no markups scheduled this week.

D. **Briefings**

1. **ATF's Operation Castaway.** On Wednesday, September 21 at 2:00 p.m. in Room B373 of the Rayburn House Office Building, ATF officials will brief the staff of the House Oversight and Government Reform Committee, the Senate Judiciary Committee and Congressman Gus Bilirakis on ATF's Operation Castaway.
2. **Cyber Information Sharing.** On Thursday, September 22 at 2:00 p.m. in Room 228 of the Russell Senate Office Building, representatives from the White House and the Departments of Justice, Defense and State will participate in a Cyber Information Sharing Working Group Meeting with the Senate Armed Services Committee.

E. **Floor**

This week, the House and Senate are scheduled to consider a continuing resolution to keep the government operating beyond September 30. On Tuesday, September 20, the House will take up legislation, H.R. 2944, to reauthorize the U.S. Parole Commission. The bill is supported by the Department and will be considered under suspension of the rules.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to conduct briefings regarding these provisions for selected Senate staff.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 3, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 7, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Merida Initiative.** On Tuesday, October 4 at 2:00 p.m. in Room 2172 of the Rayburn House Office Building, Rodney Benson, DEA Assistant Administrator for Intelligence, will testify before the House Foreign Affairs Subcommittee on the Western Hemisphere at a hearing entitled "Assessing the Merida Initiative: The Evolution of Drug Cartels and the Threat to Mexico's Governance (Part 2)." This is the second half of a two part hearing, the purpose of which is to review the Administration's current policy toward Mexico, address the successes, failures and new challenges outlined in the HFAC September 13th hearing on Mexico related to the Mérida Initiative, and identify policy adjustments that would enhance the ability of the U.S. to confront transnational criminal organizations and their diverse, violent acts in the most cost-effective, long-lasting manner. The hearing will address the Administration's strategy in Mexico, the operations of interagency programs, and the impact of current policy on U.S. interests and allies. The Committee will also explore threats of insurgency and narco-terrorism.
2. **Terrorism Threats.** On Thursday, October 6 at 10:00 a.m. in Room 210 of the House Visitors Center, Robert S. Mueller, III, Director of the FBI, will testify before the House Select Committee on Intelligence at a hearing on the evolution of terrorism threats against the United States.

3. **Nuclear and Maritime Terrorism Agreements.** On Wednesday, October 5 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Brad Wiegmann, Deputy Assistant Attorney General in the National Security Division, will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at a hearing entitled “The Implementation of Certain International Nuclear and Maritime Terrorism Agreements.” Thomas M. Countryman, Assistant Secretary from the Bureau of International Security and Nonproliferation at the State Department, is also scheduled to testify.

B. Hearings of interest to the Department

1. **Terrorism Threats.** On Tuesday, October 4 at 10:00 a.m. in Room 210 of the House Visitors Center, the House Select Committee on Intelligence will hold a hearing entitled “Cyber Threats and Ongoing Efforts to Protect the Nation.”
2. **Commission on Wartime Contracting - Final Report.** On Tuesday, October 4 at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing entitled “Where is the Peace Dividend? Examining the Final Report to Congress of the Commission on Wartime Contracting.”
3. **Intelligence Sharing and Terrorist Travel.** On Wednesday, October 5 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Counterterrorism and Intelligence will hold a hearing entitled “Intelligence Sharing and Terrorist Travel: How DHS Addresses the Mission of Providing Security, Facilitating Commerce and Protecting Privacy for Passengers Engaged in International Travel.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; Michael Horowitz, to be the Inspector General; and Kathryn Keneally, to be the Assistant Attorney General for the Tax Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Stephen A. Higginson, Fifth Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; Michael C. Green, WD NY; Robert D. Mariani, MD PA; Cathy Bissoon, WD PA; Mark R. Hornak, WD PA; Robert N. Scola, Jr., SD FL; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; Jesse M. Furman, SD NY; and James Rodney Gilstrap, ED TX.

On September 20, the Senate confirmed the following nominations: John A. Ross, ED MO; and Timothy M. Cain, D SC.

On October 3, the Senate confirmed the following nominations: Henry Floyd, Fourth Circuit; Nannette J. Brown, ED LA; Nancy Torresen, D ME; William F. Kuntz, II, ED NY; Marina Garcia Marmolejo, SD TX; and Jennifer Guerin Zipps, D AZ.

On October 4, the Senate Judiciary Committee will hold on hearing on the following nominations: Stephanie Dawn Thacker, Fourth Circuit; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; and Miranda Du, D NV.

On October 6, the Senate Judiciary Committee is scheduled to consider the following nominations: Evan Wallach, Federal Circuit; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; and Margo Brodie, ED NY.

The Senate also reached an agreement (at a time to be determined by the Majority and Republican Leaders, not prior to October 11) to consider for confirmation the following nominations: Jane M. Triche-Milazzo, ED LA; Alison J. Nathan, SD NY; Susan O. Hickey, WD AR; and Katherine B. Forrest, SD NY.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.

On September 27, the Senate confirmed the following nominations: S. Amanda Marshall, D OR; Kenneth Magidson, SD TX; Robert L. Pitman, WD TX; John Malcolm Bales, ED TX; Sarah Ruth Saldana, ND TX; and David Barlow, D UT.

4. **U.S. Marshals.** The following individual has been nominated by the President to serve as United States Marshals, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

On September 27, the Senate confirmed the nomination of Edward M. Spooner, ND FL.

On October 6, the Senate Judiciary Committee will consider the following nominations: Steven R. Frank, WD PA; Martin J. Pane, MD PA; and David Blake Webb, ED PA.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, October 6 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 1301, Trafficking Victims Protection Reauthorization Act, which would enhance the State Department's anti-trafficking efforts.
 - H.R. 368, Removal Clarification Act, which would allow a civil action or criminal prosecution in a state court that is against or directed to the United States or federal agency or officer to be removed to an appropriate U.S. district court.
 - H.R. 394, Federal Courts Jurisdiction and Venue Clarification Act, which would declare that the U.S. district courts shall not have original jurisdiction of any civil action between citizens of a state and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same state. The bill



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 17, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 21, 2011

The House is in recess this week. The Senate is in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Anthrax.** On Tuesday, October 18 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, Vahid Majidi, FBI Assistant Director for the Weapons of Mass Destruction Directorate, will testify before the Senate Homeland Security and Governmental Affairs Committee at a hearing entitled "The 10th Anniversary of Anthrax Attacks."
2. **US-Andean Security Cooperation.** On Wednesday, October 19 at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building, Rodney Benson, Chief of Intelligence for the Drug Enforcement Administration, will testify before the Senate Caucus on International Narcotics Control at a hearing on US-Andean security cooperation.
3. **FISA.** On Thursday, October 20 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, Lisa Monaco, Assistant Attorney General for the National Security Division, will testify before the Senate Select Committee on Intelligence at a closed hearing on FISA matters. General Keith Alexander, Director of the National Security Agency, and a representative from the Office of the Director of National Intelligence are also scheduled to appear.

B. Hearings of interest to the Department

1. **Wartime Contracting in Iraq and Afghanistan.** On Wednesday, October 19 at 2:30 p.m. in Room 232-A of the Russell Senate Office Building, the Senate Armed Services Subcommittee on Readiness and Management Support will hold a hearing on the final report of the Commission on Wartime Contracting in Iraq and Afghanistan.
2. **Southern Border.** On Thursday, October 20 at 11:30 a.m. at Douglas High School, 1500 15th St., Douglas, Arizona, the House Homeland Security Committee will hold a field hearing entitled “Facing America’s Threats Along the Southern Border.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; and Grande Lum, to be the Director of the Community Relations Service.

On October 19, the Senate Judiciary Committee is scheduled to hold a hearing on the nomination of Michael Horowitz, to be the Inspector General.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Stephen A. Higginson, Fifth Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; Evan Wallach, Federal Circuit; Adalberto José Jordán, Eleventh Circuit; Michael C. Green, WD NY; Mark R. Hornak, WD PA; Robert D. Mariani, MD PA; Robert N. Scola, Jr., SD FL; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; James Rodney Gilstrap, ED TX; Jesse M. Furman, SD NY; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; and David Nuffer, D UT.

On October 13, the Senate confirmed the following nominations: Alison J. Nathan, SD NY; Susan O. Hickey, WD AR; and Katherine B. Forrest, SD NY. On October 17, the Senate confirmed the nomination of Cathy Bissoon, WD PA.

On October 19, the Senate Judiciary Committee is scheduled to hold a hearing on the nomination of Susie Morgan, ED LA.

On October 20, the Senate Judiciary Committee will consider the following nominations: Stephanie Dawn Thacker, Fourth Circuit; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; and Rudolph Contreras, D DC; and Miranda Du, D NV.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.

4. **U.S. Marshals.** The following nominations are pending on the Senate Executive Calendar: Steven R. Frank, WD PA; Martin J. Pane, MD PA; and David Blake Webb, ED PA. In addition, the following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, October 20 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 75, Discount Pricing Consumer Protection Act, which would amend the Sherman Act to declare that any contract, combination, conspiracy, or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor violates the Act.

E. Briefings

1. **Online Infringement.** On Monday, October 17, 2011, representatives from the Office of the Attorney General, Office of the Deputy Attorney General, and Criminal Division will join the Intellectual Property Enforcement Coordinator and her staff in a briefing for House Judiciary Committee staff on the Administration's efforts to combat online copyright infringement.
2. **Oversight of the Office of Justice Programs.** On Tuesday, October 18, 2011, Assistant Attorney General Laurie Robinson will brief staff of the House Judiciary Committee, in advance of the November 2, 2011, oversight hearing on OJP.

F. Floor

The Senate will consider the first fiscal 2012 appropriations "minibus." The Senate will consider a substitute amendment to the spending vehicle that combines the text of committee-reported versions of the Agriculture, Commerce-Justice-Science and Transportation- HUD appropriations bills. The House is in recess this week.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to conduct briefings regarding these provisions for selected Senate staff, and the Senate Judiciary Committee will likely hold a related hearing on law of war detention.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 24, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 28, 2011

The Senate is not in session this week. The House is in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

There are no hearings at which the Department is testifying this week.

B. Hearings of interest to the Department

1. **Regulatory Accountability Act.** On Tuesday, October 25 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on H.R. 3010, the Regulatory Accountability Act of 2011 which would reform the process by which federal agencies analyze and formulate new regulations and guidance documents.
2. **Internet Gaming.** On Tuesday, October 25 at 10:30 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade will hold a hearing entitled "Internet Gaming: Is there a Safe Bet?"

3. **Department of Homeland Security Oversight.** On Wednesday, October 26 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold an oversight hearing on the Department of Homeland Security.
4. **Iranian Terror Operations on American Soil.** On Wednesday, October 26 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the Homeland Security's Subcommittee on Counterterrorism and Intelligence and Subcommittee on Oversight, Investigations, and Management will hold a joint subcommittee hearing entitled, "Iranian Terror Operations on American Soil." The hearing witnesses will be retired Army General Jack Keane, Mr. Reuel Marc Gerecht, Senior Fellow from the Foundation for Defense of Democracies, and Mr. Matt Levitt, Director of Stein Program on Counterterrorism and Intelligence at the Washington Institute for Near East Policy.
5. **Religious Liberty in the U.S.** On Wednesday, October 26 at 2:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing entitled "The State of Religious Liberty in the United States."
6. **Gulf Coast Compensation Fund.** On Thursday, October 27 at 9:30 a.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Committee will hold an oversight hearing entitled "Gulf Coast Recovery: President Obama's BP Compensation Fund, How Is It Working?"
7. **Human Trafficking Report.** On Thursday, October 27 at 2:00 p.m. in Room 2200 of the Rayburn House Office Building, the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights will hold a hearing entitled "The Trafficking in Persons Report 2011: Truth, Trends, and Tier Rankings."

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; Grande Lum, to be the Director of the Community Relations Service; and Michael Horowitz, to be Inspector General.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; Evan Wallach, Federal Circuit; Adalberto José Jordán, Eleventh Circuit; Michael C. Green, WD NY; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; James Rodney Gilstrap, ED TX; Jesse M. Furman, SD NY; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV;

Margo Brodie, ED NY; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; and David Nuffer, D UT.

On October 19, the Senate confirmed the following nominations: Mark R. Hornak, WD PA; Robert D. Mariani, MD PA; and Robert N. Scola, Jr., SD FL

On October 31, the Senate is scheduled to consider the nomination of Stephen A. Higginson, Fifth Circuit.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following nominations are pending on the Senate Executive Calendar: Steven R. Frank, WD PA; Martin J. Pane, MD PA; and David Blake Webb, ED PA. In addition, the following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

D. Markups

1. **House Judiciary Committee.** On Tuesday, October 25 at 1:00 p.m. and on Thursday, October 27 at 9:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 420, the “Veterans’ Heritage Firearms Act of 2011” which would provide a 90-day amnesty period during which veterans and their family members can register in the National Firearms Registration and Transfer Record any firearm acquired before October 31, 1968, by a veteran while a member of the Armed Forces stationed outside the continental United States.
 - H.R. 10, the “Regulations From the Executive in Need of Scrutiny Act of 2011” which would require congressional approval of major rules of the executive branch before they may take effect.
 - H.R. 2870, the “Adam Walsh Reauthorization Act of 2011” which would reauthorize the Adam Walsh Child Protection and Safety Act of 2006.
 - H.R. 1254, the “Synthetic Drug Control Act of 2011” which would add any material, compound, mixture, or preparation which contains cannabimimetic agents and a list of hallucinogenic substances as schedule I controlled substances.
 - H.R. 3012, the “Fairness for High Skilled Immigrants Act” which would eliminate the per country numerical limitation for employment-based immigrants and would increase the per country numerical limitation for family based immigrants.

E. Briefings

1. **ECPA Reform.** On Wednesday, October 26 at 2:00 p.m. in Room 224 of the Dirksen Senate Office Building, representatives of the Department will meet with Chairman Leahy's Judiciary Committee staff to provide technical assistance on his bill to reform the Electronic Communications Privacy Act (S. 1011).
2. **Digital Forensics.** On Thursday, October 27 at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, representatives of the Department will brief Chairman Leahy's Judiciary Committee staff on digital forensics.

F. Floor

The House is scheduled to vote this week on a bill to repeal a three percent withholding requirement on government contractor payments. Ten bills are scheduled for consideration under suspension of the rules. The Senate is not in session this week.

G. Looking Ahead

National Defense Authorization. The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to work with Senate staff to resolve these issues, and the Senate Judiciary Committee will likely hold a related hearing on law of war detention in November.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 31, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 4, 2011

The House and the Senate are both in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **International Organize Crime.** On Tuesday, November 1 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Lanny Breuer, Assistant Attorney General for the Criminal Division, will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing entitled "Combating International Organized Crime: Evaluating Current Authorities, Tools, and Resources."
2. **Organized Crime and Human Trafficking.** On Wednesday, November 2 at 10:00 a.m. in Room B-318 of the Rayburn House Office Building, Greg Andres, Deputy Assistant Attorney General for the Criminal Division, will testify before the U.S. Commission on Security & Cooperation in Europe (the U.S. Helsinki Commission) at a hearing entitled "Human Trafficking and Transnational Organized Crime: Assessing Trends and Combat Strategies."

3. **Office of Justice Programs.** On Wednesday, November 2 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Laurie Robinson, Assistant Attorney General for the Office of Justice Programs, will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security at an oversight hearing for the Office of Justice Programs.
4. **Prosecution of Unauthorized Disclosures.** On Thursday, November 3 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, John Carlin, Principal Deputy Assistant Attorney General for the National Security Division, will testify before the Senate Select Committee on Intelligence at a closed hearing on the prosecution of unauthorized disclosures.
5. **Identity Theft and Tax Fraud.** On Friday, November 4 at 9:30 a.m. in Room 2157 of the Rayburn House Office Building, Ron Cimino, Deputy Assistant Attorney General for the Tax Division, will testify before the House Oversight and Government Reform Subcommittee on Government Organization, Efficiency and Financial Management at a hearing entitled “Identity Theft and Tax Fraud: Growing Problems for the Internal Revenue Service.”

B. Hearings of interest to the Department

1. **Violence Against Native Women.** On Monday, October 31 at 3:30 p.m. in Room A105 of the Oregon Convention Center, 777 NE Martin Luther King, Jr. Blvd., Portland, Oregon, the Senate Indian Affairs Committee will hold a listening session on pending legislation including the Native Violence Against Women Act.
2. **Ten Years After 9/11.** On Wednesday, November 2 at 9:30 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing on changes in operations and policy in the ten years since the September 11, 2001 attacks.
3. **Consumer Financial Protection Bureau Assessment.** On Wednesday, November 2 at 10:00 a.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Subcommittee on Financial Institutions and Consumer Credit will hold a hearing entitled “The Consumer Financial Protection Bureau: The First 100 Days.”
4. **North American Offshore Energy.** On Wednesday, November 2 at 10:00 a.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Subcommittee on Energy and Mineral Resources will hold a hearing entitled “North American Offshore Energy: Mexico and Canada Boundary Treaties and New Drilling by Cuba and Bahamas.”
5. **Gulf Coast Oil Spill Investigation Report.** On Wednesday, November 2 at 2:00 p.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Committee will hold a hearing entitled “BOEMRE [Bureau of Ocean Energy Management, Regulation and Enforcement]/U.S. Coast Guard Joint Investigation Team Report.”
6. **Gulf Coast Compensation Fund.** On Thursday, October 27 at 9:30 a.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Committee will hold an

oversight hearing entitled “Gulf Coast Recovery: President Obama’s BP Compensation Fund, How Is It Working?”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; and Grande Lum, to be the Director of the Community Relations Service.

On November 3, the Senate Judiciary Committee is scheduled to consider the nomination of Michael Horowitz, to be Inspector General.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; Evan Wallach, Federal Circuit; Adalberto José Jordán, Eleventh Circuit; Michael C. Green, WD NY; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; James Rodney Gilstrap, ED TX; Jesse M. Furman, SD NY; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; and David Nuffer, D UT.

On October 31, the Senate voted to confirm the nomination of Stephen A. Higginson, Fifth Circuit.

On November 2, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Jacqueline H. Nguyen, Ninth Circuit; Gregg Jeffrey Costa, SD TX; and David Campos Guaderrama, WD TX.

On November 3, the Senate Judiciary is scheduled to consider the following nominations: Stephanie Dawn Thacker, Fourth Circuit; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; and Miranda Du, D NV.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following nominations are pending on the Senate Executive Calendar: Steven R. Frank, WD PA; Martin J. Pane, MD PA; and David Blake Webb, ED PA. In addition, the following individual has been nominated by the President to serve as United

States Marshal, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

On November 8, the Senate Homeland Security and Government Affairs Committee is expected to hold a hearing on the nomination of Michael Hughes, to be the U.S. Marshal for the Superior Court of the District of Columbia.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, November 3 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 598, Respect for Marriage Act, which would repeal the Defense of Marriage Act, which defines marriage as between one man and one woman.
 - S. 75, Discount Pricing Consumer Protection Act, which would amend the Sherman Act to declare that any contract, combination, conspiracy, or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor violates the Act.
2. **House Judiciary Committee.** On Wednesday, November 2 at 1:00 p.m. and on Thursday, November 3 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 1254, the “Synthetic Drug Control Act of 2011” which would add any material, compound, mixture, or preparation which contains cannabimimetic agents and a list of hallucinogenic substances as schedule I controlled substances.
 - H.R. 3010, the “Regulatory Accountability Act of 2011” which would reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.
 - H.R. 546, the “Honor and Remember Flag Recognition Act” which would designate the Honor and Remember Flag as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty, and for other purposes.
 - H.R. 2369, a bill which would provide for an additional power for the American Legion under its Federal charter.

E. Briefings

1. **Senate Information Sharing Working group.** On Monday, October 31 at 2:30 p.m. representatives of the Department participated in a Senate Information Sharing Working group conference call.
2. **Cybersecurity.** On Tuesday, November 1 at 1:30 p.m. in a location to be determined, representatives of the Department will brief the Republican Policy Committee on the Administration’s cybersecurity legislative proposals.

On Wednesday, November 2 at 4:15 p.m. in Room 304 of the House Visitors Center, representatives of the Department will brief the House Permanent Select Committee on Intelligence on cybersecurity issues.

On Thursday, November 3 at 3:30 p.m. in a location to be determined, representatives of the Department will brief Senate Democratic staff on the Administration's cybersecurity legislative proposals.

F. Floor

The Senate is scheduled to vote this week on amendments to and passage of a fiscal 2012 appropriations "minibus." The House is scheduled to consider bills on proposed changes to Securities and Exchange Commission rules designed to make it easier for small companies to raise money.

G. Looking Ahead

1. **National Defense Authorization.** The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to work with Senate staff to resolve these issues, and the Senate Judiciary Committee will likely hold a related hearing on law of war detention in November.
2. **Testimony by the Attorney General.** The Attorney General is scheduled to testify in the Senate Judiciary Committee at an oversight hearing next Tuesday, November 8 and in the House Judiciary Committee at a hearing on Operation Fast & Furious on Thursday, December 8.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 7, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 11, 2011

The House is not in session this week. The Senate is in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Senate Judiciary Committee.** On Tuesday, November 8th at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Eric H. Holder, Jr., Attorney General of the United States, will testify before the Senate Judiciary Committee on "Oversight of the U.S. Department of Justice."
2. **Privacy, Technology and the Law.** On Wednesday, November 9th at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, Loretta Lynch, US Attorney for the Eastern District of New York, will testify before the Senate Judiciary Subcommittee on Privacy, Technology and the Law at a hearing entitled "HIPPA (Health Insurance Portability and Accountability Act of 1996)".
3. **Indian Affairs.** On Thursday, November 10th at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, Thomas Perrelli, Associate Attorney General of the United States, will testify before the Senate Indian Affairs Committee on S. 1763, the Stand Against

Violence and Empower Native Women (SAVE) Act, a bill to address violent crimes against Indian women.

B. Hearings of interest to the Department

1. **Market Developments for U.S. Natural Gas.** On Tuesday, November 8 at 10:30 a.m. in Room 366 of the Dirksen Senate Office Building, the Senate Energy and Natural Resources Committee will hold a hearing on market developments for U.S. natural gas.
2. **Protecting Health Information In A Digital World.** On Wednesday, November 9 at 2:30 p.m. in room 226 of the Dirksen Senate Office Building, the Privacy, Technology and the Law Subcommittee will hold a hearing titled “Your Health and Your Privacy: Protecting Health Information in a Digital World.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; and Grande Lum, to be the Director of the Community Relations Service.

On November 10, the Senate Judiciary Committee is scheduled to consider the nomination of Michael Horowitz, to be Inspector General.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; Evan Wallach, Federal Circuit; Adalberto José Jordán, Eleventh Circuit; Michael C. Green, WD NY; Scott W. Skavdahl, D WY; Sharon L. Gleason, D AK; Yvonne Gonzalez Rogers, ND CA; Richard G. Andrews, D DE; Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; James Rodney Gilstrap, ED TX; Jesse M. Furman, SD NY; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; and Miranda Du, D NV..

On November 3, the Senate voted to confirm the nominations of Richard G. Andrews, D DE, and Scott Skavdahl, D Wyoming.

On November 10, the Senate Judiciary is scheduled to consider the following nomination: Susie Morgan, ED LA.

At a time to be determined by the Majority Leader and Republican Leader, the Senate also agreed to proceed to executive session to consider the nomination of Evan Wallach, Federal Circuit.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following nominations are pending on the Senate Executive Calendar: Steven R. Frank, WD PA; Martin J. Pane, MD PA; and David Blake Webb, ED PA. In addition, the following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

On November 8, the Senate Homeland Security and Government Affairs Committee is expected to hold a hearing on the nomination of Michael Hughes, to be the U.S. Marshal for the Superior Court of the District of Columbia. On November 9, HSGAC is expected to consider the Hughes' nomination.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, November 10 at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 598, Respect for Marriage Act, which would repeal the Defense of Marriage Act, which defines marriage as between one man and one woman.
 - S. 1793, Investigative Assistance for Violent Crimes Act of 2011, which would clarify the statutory authority for the Department of Justice of providing investigatory assistance on request of state and local authorities with respect to certain serious violent crimes.
 - H.R. 2076, Investigative Assistance for Violent Crimes Act of 2011, which passed the House in September 2011 would authorize the Attorney General and the Director of the FBI to assist in the investigation of violent acts and shootings occurring at schools, colleges, universities, nonfederal office buildings, malls, and other public places.
 - S. 1794, Federal Restricted Buildings and Grounds Improvement Act of 2011, which would correct and simplify the drafting of section 1752 relating to restricted buildings or grounds of Title 18, US Code.
 - H.R. 347, Federal Restricted Buildings and Grounds Improvement Act of 2011, which passed the House in February 2011 would revise the prohibition against entering restricted federal buildings or grounds to impose criminal penalties on anyone who knowingly enters any restricted building or grounds without lawful authority.
 - H.R. 2189, Death in Custody Reporting Act of 2011, which passed the House in September 2011 would encourage states to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.

E. Briefings

1. **Foreign Intelligence Surveillance Court.** On Monday, November 7, representatives of the National Security Division participated in closed interagency staff briefings for the House and Senate Intelligence Committees and the Senate Judiciary Committee regarding matters before the Foreign Intelligence Surveillance Court. Also participating in the briefings were representatives of the National Security Agency and the Office of the Director of National Intelligence.

F. Floor

The Senate is scheduled to vote this week on amendments to and passage of a FY 2012 appropriations “minibus.”

G. Looking Ahead

1. **National Defense Authorization.** The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. The bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to work with Senate staff to resolve these issues, and the Senate Judiciary Committee may hold a related hearing on law of war detention.
2. **Testimony by the Attorney General.** The Attorney General is scheduled to testify before the House Judiciary Committee at a hearing on Operation Fast & Furious on Thursday, December 8.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 14, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 18, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **NICS Improvements.** On Tuesday, November 15th at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, David Cuthbertson, FBI CJIS Assistant Director, will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing entitled "The Fix Gun Checks Act: Better State and Federal Compliance, Smarter Enforcement."
2. **Cybersecurity.** On Tuesday, November 15th at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Richard Downing, Deputy Chief of the Computer Crime and Intellectual Property Section, will testify before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security at a hearing entitled "Cybersecurity: Protecting America's New Frontier. "
3. **Narcoterrorism.** On Thursday, November 17th at 2:00 p.m. in Room 2170 of the Rayburn House Office Building, Derek S. Matz, DEA Special Agent in Charge of the Special Operations Division, will testify before the House Foreign Affairs Subcommittee on

Terrorism, Nonproliferation, and Trade at a hearing entitled “Narcoterrorism and the Long Arm of US Law Enforcement, Part II.”

B. Hearings of interest to the Department

1. **Foreign Judgments.** On Tuesday, November 15 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing entitled “Recognition and Enforcement of Foreign Judgments.”
2. **Online Piracy.** On Wednesday, November 16 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled “H.R. 3261, the “Stop Online Piracy Act.””
3. **Internet Gaming.** On Thursday, November 17 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold a hearing entitled “The Future of Internet Gaming: What’s at Stake for Tribes?”

On Friday, November 18 at 9:00 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade will hold a hearing entitled “Internet Gaming: Regulating in an Online World.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; and Grande Lum, to be the Director of the Community Relations Service.

On November 10, the Senate Judiciary Committee reported the nomination of Michael Horowitz, to be DOJ Inspector General. The nomination has been referred to the Senate Committee on Homeland Security and Government Affairs, where no hearing is expected and where action is expected by Nov. 30.

On November 16, the Senate Judiciary Committee is scheduled to hold a hearing on the nomination of Kathryn Keneally, to be the Assistant Attorney General for the Tax Division.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Christopher Droney, Second Circuit; Morgan Christen, Ninth Circuit; Adalberto José Jordán, Eleventh Circuit; Stephanie Dawn Thacker, Fourth Circuit; Michael C. Green, WD NY; Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; James Rodney Gilstrap, ED TX; Jesse M. Furman, SD NY; Dana Christensen, D MT; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie,

ED NY; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; and Susie Morgan, ED LA.

On November 8, the Senate confirmed the nomination of Evan Wallach, Federal Circuit.

On November 15, the Senate is expected to consider the nominations of Sharon L. Gleason, D AK; and Yvonne Gonzalez Rogers, ND CA.

On November 16, the Senate Judiciary Committee is scheduled to hold a hearing on the nomination of Brian C. Wimes, Eastern and Western D MO.

On November 17, the Senate Judiciary Committee is scheduled to consider the following nominations: Jacqueline H. Nguyen, Ninth Circuit; Gregg Jeffrey Costa, SD TX; and David Campos Guaderrama, WD TX.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The nomination of Michael Hughes, to be the United States Marshall for the Superior Court of the District of Columbia, is pending on the Senate Executive Calendar. In addition, the following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, November 17 at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 1793, Investigative Assistance for Violent Crimes Act of 2011, which would clarify the statutory authority for the Department of Justice to provide investigatory assistance on request of state and local authorities with respect to certain serious violent crimes.
 - H.R. 2076, Investigative Assistance for Violent Crimes Act of 2011, which passed the House in September 2011 would authorize the Attorney General and the Director of the FBI to assist in the investigation of violent acts and shootings occurring at schools, colleges, universities, nonfederal office buildings, malls, and other public places.
 - S. 1794, Federal Restricted Buildings and Grounds Improvement Act of 2011, which would correct and simplify the drafting of section 1752 relating to restricted buildings or grounds of Title 18, US Code.
 - H.R. 347, Federal Restricted Buildings and Grounds Improvement Act of 2011, which would revise the prohibition against entering restricted federal buildings or grounds to impose criminal penalties on anyone who knowingly enters any restricted building or grounds without lawful authority.

- H.R. 2189, Death in Custody Reporting Act of 2011, which would encourage states to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.
2. **House Judiciary Committee.** On Thursday, November 17 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 1996, Government Litigation Savings Act, which would revise the Equal Access to Justice Act (EAJA) and the federal judicial code relating to the fees and other expenses of parties in agency proceedings and court cases against the federal government.
 - H.R. 1864, Mobile Workforce State Income Tax Simplification Act of 2011, which would limit state taxation of the wages of any employee who performs duties in more than one state.
 - H.R. 3256, Deport Convicted Foreign Criminals Act of 2011, which would amend the Immigration and Nationality Act to clarify the law prohibiting the Secretary of State from issuing certain visas to nationals of countries that refuse or unreasonably delay repatriation.
 - H.R. 2815, which would revise the Federal charter for the Blue Star Mothers of America, Inc., to reflect a change in eligibility requirements for membership.
 3. **Senate Armed Services Committee.** On Tuesday, November 15 at 2:30 p.m. in a location to be announced, the Senate Armed Services Committee is expected to mark up provisions of S. 1253, the National Defense Authorization Act for 2012, related to the disposition of terrorist detainees. The Administration has serious concerns regarding these provisions as previously reported (among them, a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States), and has been working with the committee to try to resolve those concerns.

E. Briefings

1. **Request by Rep. Rohrabacher.** On Tuesday, November 15 at 2:00 p.m. in Room 2409 of the Rayburn House Office Building, AAG Weich, U.S. Attorney Preet Bharara and Andrew McCabe from the FBI will meet with Congressman Dana Rohrabacher and Chairman Lamar Smith to explain why the Department must adhere to its long-standing refusal to allow Rep. Rohrabacher to visit and interview federal prisoner Ramzi Yousef.
2. **Going Dark.** On Thursday, November 17 at 1:00 p.m. in Room 302 of the House Visitors Center, representatives from the FBI and the Office of Legal Policy will participate in a staff briefing for the House Homeland Security Committee on the “Going Dark” problem.

F. Floor

The House and Senate are expected to take up the conference report on the FY 2012 appropriations “minibus” containing the Department’s FY 2012 appropriations. The Senate is scheduled to vote this week on amendments to and passage of a second FY 2012 appropriations “minibus.” The “minibus” also is expected to include a second continuing

resolution that will run through December 16. The current continuing resolution for FY 2012 (PL 112-36) expires on November 18. The House may take up concealed firearms legislation and a balanced budget amendment to the Constitution.

G. Looking Ahead

1. **National Defense Authorization.** The Senate Armed Services Committee has reported S. 1253, the National Defense Authorization Act for 2012, and the full Senate is expected to take up the bill during the coming weeks. As noted above, the bill includes a number of provisions related to terrorist detainees that are of concern to the Department, including a provision that would require military detention for the core group of al Qaeda detainees suspected of plotting or carrying out attacks against the United States. The measure includes a national security waiver that was not included in the still more stringent House-passed bill (H.R. 1540). The Department and our interagency partners are continuing to work with Senate staff to resolve these issues.
2. **Testimony by the Attorney General.** The Attorney General is scheduled to testify before the House Judiciary Committee at a hearing on Operation Fast & Furious on Thursday, December 8.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 28, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 2, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

There are no hearings this week at which the Department is testifying.

B. Hearings of interest to the Department

1. **E-Commerce.** On Wednesday, November 30 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing entitled "Constitutional Limitations on States' Authority to Collect Sales Taxes in E-Commerce."
2. **Secure Communities.** On Wednesday, November 30 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing entitled "Is Secure Communities Keeping our Communities Secure?"

3. **Balanced Budget Amendment.** On Wednesday, November 30 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights will hold a hearing entitled “A Balanced Budget Amendment: The Perils of Constitutionalizing the Budget Debate.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; and Grande Lum, to be the Director of the Community Relations Service.

On November 10, the Senate Judiciary Committee reported the nomination of Michael Horowitz, to be DOJ Inspector General. The nomination has been referred to the Senate Committee on Homeland Security and Government Affairs, which will hold no hearing and which is expected to discharge the nomination on November 30.

On December 1, the Senate Judiciary Committee is scheduled to consider the nomination of Kathryn Keneally, to be the Assistant Attorney General for the Tax Division.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Morgan Christen, Ninth Circuit; Adalberto José Jordán, Eleventh Circuit; Stephanie Dawn Thacker, Fourth Circuit; Michael C. Green, WD NY; Jesse M. Furman, SD NY; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; and Susie Morgan, ED LA.

On November 28, the Senate voted to confirm the nomination of Christopher Droney, Second Circuit.

On December 1, the Senate Judiciary Committee is scheduled to consider the following nominations: Jacqueline H. Nguyen, Ninth Circuit; Gregg Jeffrey Costa, SD TX; and David Campos Guaderrama, WD TX.

Also, at a time to be determined by the Majority and Republican Leaders, but not prior to December 5, 2011, the Senate has agreed to consider the following nominations: Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; James Rodney Gilstrap, ED TX; and Dana Christensen, D MT.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.

4. **U.S. Marshals.** The following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

On November 18, the Senate confirmed the nomination of Michael Hughes, to be the United States Marshal for the Superior Court of the District of Columbia.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, December 1 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
- S. 1792, Strengthening Investigations of Sex Offenders and Missing Children Act of 2011, which would clarify the authority of the United States Marshals Service to assist other federal, state, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.
 - S. 671, Finding Fugitive Sex Offenders Act of 2011, which would authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.
2. **House Judiciary Committee.** On Thursday, December 1 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
- H.R. 2572, Clean Up Government Act of 2011, which would amend the federal criminal code to revise and expand prohibitions against bribery, theft of public money, and other public corruption offenses.
 - H.R. 1433, Private Property Rights Protection Act of 2011, which would prohibit the federal government from exercising its power of eminent domain for economic development.

E. Briefings

1. **Equal Access to Justice Act (EAJA) and Environmental Litigation.** On Tuesday, November 29 at 10:30 a.m. in Room 586 of the Ford House Office Building, representatives of ENRD will participate in a staff briefing for the House Committee on Transportation and Infrastructure on EAJA and environment litigation.

F. Floor

The Senate resumes consideration of S. 1867, the National Defense Authorization Act for Fiscal Year 2012. Votes on pending amendments to S. 1867 are expected as early as Monday. The Administration strongly opposes provisions in the bill related to terrorist detainees and is supporting efforts to modify them.

G. Looking Ahead

1. **Testimony by the Attorney General.** The Attorney General is scheduled to testify before the House Judiciary Committee at a hearing on Operation Fast & Furious on Thursday, December 8.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 5, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 9, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. House Judiciary Subcommittee on Intellectual Property, Competition, and the Internet.

On Wednesday, December 7 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Sharis Pozen, Acting Assistant Attorney General for the Antitrust Division, will testify before the House Judiciary Subcommittee on Intellectual Property, Competition, and the Internet on "Oversight of the Antitrust Division."

2. House Judiciary Committee. On Thursday, December 8th at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, Eric H. Holder, Jr., Attorney General of the United States, will testify before the House Judiciary Committee on "Oversight of the United States Department of Justice." The hearing will focus on Operation Fast and Furious.

3. House Permanent Select Committee on Intelligence. On Thursday, December 8th at 10:00 a.m. in Room 304 of the House Visitors Center, Lisa Monaco, Assistant Attorney General for the National Security Division, will testify before the House Permanent Select Committee on

Intelligence on “FISA Oversight and FAA Reauthorization.” Robert S. Litt, General Counsel of the Office of the Director of National Intelligence, and John C. Inglis, Deputy Director of the National Security Agency, will also testify.

B. Hearings of interest to the Department

1. **Whistleblower Protections.** On Tuesday, December 6 at 10:00 a.m. in room 342 of the Dirksen Senate Office Building, the Senate Contracting Oversight Subcommittee will hold a hearing on whistleblower protections for government contractors.
2. **Express Scripts/Medco Merger.** On Tuesday, December 6 at 2:30 p.m. in room 226 of the Dirksen Senate Office Building, the Senate Antitrust, Competition Policy and Consumer Rights Subcommittee will hold a hearing titled “The Express/Medco Merger: Cost Savings for Consumers or More Profits for the Middlemen?”
3. **Cybersecurity Policies.** On Tuesday, December 6 at 10:00 a.m. in room 311 Cannon Building, the House Cybersecurity, Infrastructure Protection and Security Technologies Subcommittee will hold a hearing on a draft legislative proposal on cybersecurity.
4. **Abortion.** On Tuesday, December 6 at 1:00 p.m. in room 2141 of the Rayburn House Office Building, the House Subcommittee on the Constitution will hold a hearing on the “Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act of 2011”
5. **Endangered Species Act.** On Tuesday, December 6 at 10:00 a.m. in room 1324 of the Longworth House Building, the House Natural Resources Committee will hold a hearing titled “The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts.”
6. **Threat to Military Communities Inside the U.S.** On Wednesday, December 7 at 9:30 a.m. in Room H-210 of the Capitol Visitors Center, the Senate Homeland Security and Governmental Affairs Committee and the House Homeland Security Committee will hold a joint hearing titled “Homegrown Terrorism: The Threat to Military Communities Inside the United States.”
7. **Narcotics.** On Wednesday, December 7 at 2:30 p.m. in room 562 of the Dirksen Senate Office Building, the Senate Caucus on International Narcotics Control will hold a hearing regarding marijuana cultivation on U.S. public lands.
8. **Gulf Coast Resources.** On Wednesday, December 7 at 11:00 a.m. in room 2167 of the Rayburn House Building, the House Transportation and Infrastructure Committee will hold a hearing titled “Restoring Jobs, Coastal Viability and Economic Resilience in the Gulf of Mexico.”
9. **Medicaid Fraud.** On Wednesday, December 7 at 10:00 a.m. in room 2154 of the Rayburn House Building, the House Government Organization, Efficiency and Financial Management

Subcommittee will hold a hearing titled “A Medicaid Fraud Victim Speaks Out: What’s Going Wrong and Why?”

C. Pending Nominations

1. **Department Nominees.** The nomination of Michael Horowitz, to be DOJ Inspector General, is pending on the Senate Executive Calendar. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; and Grande Lum, to be the Director of the Community Relations Service.

On December 8, the Senate Judiciary Committee is scheduled to consider the nomination of Kathryn Keneally, to be the Assistant Attorney General for the Tax Division.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Morgan Christen, Ninth Circuit; Adalberto José Jordán, Eleventh Circuit; Stephanie Dawn Thacker, Fourth Circuit; Michael C. Green, WD NY; Jesse M. Furman, SD NY; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Jacqueline H. Nguyen, Ninth Circuit; Gregg Jeffrey Costa, SD TX; and David Campos Guaderrama, WD TX.

On December 5, the Senate voted to confirm the following nominations: Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; James Rodney Gilstrap, ED TX; and Dana Christensen, D MT. On December 6, the Senate is scheduled to consider the nomination of Caitlin Halligan, DC Circuit.

On December 7, the Senate Judiciary Committee will hold a hearing on the nomination of Paul Watford, Ninth Circuit.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, December 8 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 1886, Counterfeit Drug Penalty Enhancement Act of 2011, a bill to prevent trafficking in counterfeit drugs.
 - S.678, Economic Espionage Penalty Enhancement Act, a bill to increase the penalties for economic espionage.
 - S.1821, Temporary Bankruptcy Judgeships Extension Act of 2011, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.
2. **Senate Committee on Indian Affairs.** On Thursday, December 8 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Committee on Indian Affairs is scheduled to mark up the following legislation:
 - S. 1763, the SAVE Native Women Act

E. Floor

The House resumes consideration of HR 313, Drug Trafficking Safe Harbor Elimination Act of 2011; and HR 1021, Temporary Bankruptcy Judgeships Extension Act of 2011.

F. House-Senate Conference

1. **National Defense Authorization for FY 2012.** House and Senate conferees are expected to meet this week to reconcile competing versions of the NDAA for FY 2012. The Administration remains deeply engaged in negotiations provisions concerning the capture, interrogation, prosecution, detention and transfer of terrorist suspects. The Administration has stated that “any bill that challenges or constrains the President’s critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President’s senior advisers to recommend a veto.”



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 12, 2011

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 16, 2011

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Senate Judiciary Committee.** On Wednesday, December 14 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Robert S. Mueller, III, Director of the Federal Bureau of Investigation, will testify before the Senate Judiciary Committee on "Oversight of the Federal Bureau of Investigation."
2. **Senate Committee on Foreign Relations.** On Thursday, December 15 at 11:00 a.m. in Room 419 of the Dirksen Senate Office Building, Rodney G. Benson, Chief of Intelligence of the Drug Enforcement Agency, will testify before the Senate Foreign Relations Committee's Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs on "The U.S.-Caribbean Shared Security Partnership: Responding to the Growth of Trafficking and Narcotics in the Caribbean."

B. Hearings of interest to the Department

1. **Child Abuse.** On Tuesday, December 13 at 10:15 a.m. in Room 106 of the Dirksen Senate Office Building, the Senate Committee on Health, Education, Labor and Pension's Subcommittee on Children and Families is scheduled to hold a hearing titled "Breaking the Silence on Child Abuse: Protection, Prevention, Intervention and Deterrence."
2. **Costs of Civil Discovery.** On Tuesday, December 13 at 1:30 p.m. in Room 2141 of the Rayburn House Building, the House Judiciary Committee's Subcommittee on the Constitution will hold a hearing titled "The Costs and Burdens of Civil Discovery."
3. **Criminal Code Overhaul.** On Tuesday, December 13 at 10:00 a.m. in Room 2141 of the Rayburn House Building, the House Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on the Criminal Code Modernization and Simplification Act of 2011.
4. **Judicial Reliance on Foreign Law.** On Wednesday, December 14 at 10:00 a.m. in Room 2141 of the Rayburn House Building, the House Judiciary Committee's Subcommittee on the Constitution will hold a hearing titled "Judicial Reliance on Foreign Law."

C. Pending Nominations

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; and Kathryn Keneally, to be the Assistant Attorney General for the Tax Division. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; and Grande Lum, to be the Director of the Community Relations Service.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Halligan, D.C. Circuit; Morgan Christen, Ninth Circuit; Adalberto José Jordán, Eleventh Circuit; Stephanie Dawn Thacker, Fourth Circuit; Michael C. Green, WD NY; Jesse M. Furman, SD NY; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; John M. Gerrard, D NE; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Jacqueline H. Nguyen, Ninth Circuit; Gregg Jeffrey Costa, SD TX; and David Campos Guaderrama, WD TX..

On December 5, the Senate voted to confirm the following nominations: Edgardo Ramos, SD NY; Andrew L. Carter, Jr., SD NY; James Rodney Gilstrap, ED TX; and Dana Christensen, D MT. On December 6, the motion to invoke cloture on the nomination of Caitlin Halligan, D.C. Circuit failed.

On December 13, the Senate Judiciary Committee is scheduled to hold a hearing on the nomination of Paul J. Watford, Ninth Circuit.

On December 15, the Senate Judiciary Committee is scheduled to consider the nomination of Brian C. Wimes, Eastern and Western Districts of Missouri.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Dennis J. Erby, ND MS.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, December 15 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 1821, Temporary Bankruptcy Judgeships Extension Act of 2011, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.
 - S. 1236, Border Tunnel Prevention Act of 2011, a bill to reduce the trafficking of drugs to prevent human smuggling across the southwest border by deterring the construction and use of border tunnels.
2. **House Judiciary Committee.** On Thursday, December 15, 2011 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 3261, the Stop Online Piracy Act.

E. Floor

1. **Drug Trafficking.** The House resumes consideration of HR 313, Drug Trafficking Safe Harbor Elimination Act of 2011.
2. **Payroll Tax Cut Extension.** The House is also likely to take up a payroll tax cut extension.
3. **National Defense Authorization for FY 2012.** House and Senate conferees have finalized the conference report on the NDAA for FY 2012. The measure is expected to go to the House Rules Committee on Tuesday or Wednesday of this week, and to the House floor as early as Wednesday or Thursday. The Administration has been deeply engaged in negotiations on provisions of the bill concerning the capture, interrogation, prosecution, detention and transfer of terrorist suspects. The Administration has stated that “any bill that challenges or constrains the President’s critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President’s senior advisers to recommend a veto.” DOJ officials are evaluating the conference report.

4. **Omnibus Spending Bill.** On Monday evening, House and Senate appropriators are expected to unveil an Omnibus Appropriations package comprising nine spending bills. With the current stopgap spending bill expiring on Friday, December 16, both houses will need to pass either the Omnibus or another short-term CR by the end of the week. The House could vote on the package as early as Wednesday.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 23, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending January 27, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

There are no scheduled hearings at which the Department is testifying this week.

B. Hearings of interest to the Department

1. **Voting Laws.** On Friday, January 27, 2012 at 1:00 p.m. in the Hillsborough County Courthouse, Courtroom No. 1, 800 East Twiggs Street, Tampa, Florida, the Constitution, Civil Rights and Human Rights Subcommittee of the Senate Judiciary Committee is scheduled to hold a hearing titled "New State Voting Laws II: Protecting the Right to Vote in the Sunshine State."

C. Pending Nominations

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; and Kathryn Keneally, to be the Assistant Attorney General for the Tax Division. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Anuj Desai, to be a Commissioner on the Foreign Claims Settlement Commission; Charles Massarone, to be a Commissioner on the United States Parole Commission; and Grande Lum, to be the Director of the Community Relations Service.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Adalberto José Jordán, Eleventh Circuit; Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Jesse M. Furman, SD NY; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; and Brian C. Wimes, ED and WD MO.

On December 15, the Senate voted to confirm Morgan Christen, Ninth Circuit. On January 23, the Senate voted to confirm John M. Gerrard, D NE.

On January 26, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Andrew David Hurwitz, Ninth Circuit; Kristine Gerhard Baker, ED AR; John Z. Lee, ND IL; John J. Tharp, Jr., ND IL; and George Levi Russell, III, D MD.

On January 26, the Senate Judiciary Committee is scheduled to consider the nomination of Paul J. Watford, Ninth Circuit.
3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** On January 26, the Senate Judiciary Committee is scheduled to consider the nomination of Dennis J. Erby, ND MS.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, January 26 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 1925, a bill to reauthorize the Violence Against Women Reauthorization Act of 1994

2. **House Judiciary Committee.** On Tuesday, January 24, 2012 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 1433, the “Private Property Rights Protection Act of 2011”
 - H.R. 3796, the “Adam Walsh Reauthorization Act of 2012.”

E. Looking Ahead

1. **Testimony by the Attorney General.** The Attorney General is scheduled to testify before the House Committee on Oversight and Government Reform at a hearing on Operation Fast & Furious on Thursday, February 2, 2012.
2. **Testimony by the FBI Director.** On Tuesday, January 31 and Thursday, February 2, the FBI Director will testify before the Senate and House Intelligence Committees on “Current and Projected National Security Threats to the United States.”



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 30, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 03, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Annual Threat Assessment.** Robert S. Mueller III, Director of the Federal Bureau of Investigation, will testify before the Senate and House Intelligence Committees on Current and Projected National Security Threats to the United States (Annual Threat Assessment).

He will testify before the Senate Select Committee on Intelligence on Tuesday, January 31 at 10:00 a.m. in room 216 of the Hart Senate Office Building. The hearing will be open, but a closed session may follow in Room 219 of the Hart Senate Office Building.

He will testify before the House Permanent Select Committee on Intelligence on Thursday, February 2 at 10:00 a.m. in Room 210 of the House Visitors Center. The hearing will be open, but a closed session may follow in Room 304 of the House Visitors Center.

2. **Operation Fast and Furious.** On Thursday, February 2 at 9:00 a.m. in Room 2154 of the Rayburn House Office Building, Eric H. Holder, Jr., Attorney General of the United States, will testify before the House Committee on Oversight and Government Reform at a hearing on Operation Fast and Furious.

B. Hearings of interest to the Department

1. **Video Privacy Protection.** On Tuesday, January 31 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Privacy, Technology and the Law will hold a hearing titled “The Video Privacy Protection Act: Protecting Viewer Privacy in the 21st Century.”
2. **Patent Overhaul.** On Wednesday, February 1 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing titled “Prior User Rights: Strengthening U.S. Manufacturing and Innovation.”
3. **Recess Appointments.** On Wednesday, February 1 at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled “Uncharted Territory: What are the Consequences of the President’s Unprecedented ‘Recess Appointments’?”
4. **State Enforcement of Federal Laws.** On Thursday, February 2 at 2:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Constitution Subcommittee will hold a hearing titled “Contingent Fees and Conflicts of Interest in State Attorney General Enforcement of Federal Law.”
5. **Court Orders and Settlements.** On Friday, February 3 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law Subcommittee will hold a hearing on H.R. 3041, the Federal Consent Decree Fairness Act and H.R. ____, the Sunshine for Regulatory Decrees and Settlements Act.

C. Pending Nominations

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; and Kathryn Keneally, to be the Assistant Attorney General for the Tax Division. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Charles Massarone, to be a Commissioner on the United States Parole Commission; and Grande Lum, to be the Director of the Community Relations Service.

On February 2, the Senate Judiciary Committee is scheduled to consider the nomination of Anuj Desai to be a Commissioner on the Foreign Claims Settlement Commission.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Adalberto José Jordán, Eleventh Circuit; Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Jesse M. Furman, SD NY; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; and Brian C. Wimes, ED and WD MO.

On February 2, the Senate Judiciary Committee is scheduled to consider the nomination of Paul J. Watford, Ninth Circuit.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** On February 2, the Senate Judiciary Committee is scheduled to consider the nomination of Dennis J. Erby, ND MS.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, February 2 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation: S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.
2. **House Homeland Security Committee.** On Wednesday, February 1 at 10:00 a.m. in Room 311 of the House Cannon Office Building, the House Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies will mark up H.R. 3674, The Promoting and Enhancing Cybersecurity and Information Sharing Effectiveness Act of 2011.

E. Briefings

1. **Cybersecurity.** On Wednesday, February 1 at 4:00 p.m. in Room 217 of the Senate Visitors Center, Deputy Attorney General James M. Cole will participate in a closed interagency briefing for all U.S. Senators on cybersecurity.
2. **Japanese Competition Law.** On Thursday, February 2 at 4:30 p.m. in Room 1105 of the Longworth House Office Building, representatives of the Antitrust Division will join representatives from the Office of the U.S. Trade Representative at an educational briefing

for House Ways and Means Committee staff on Japanese competition law. This briefing was requested in connection with Japan's current consideration for inclusion in the Trans-Pacific Partnership trade agreement.

3. **Sentencing.** On Friday, February 3 at 1p.m. in Dirksen 224, representatives of the Criminal Division will meet with staff for the Senate Judiciary Committee regarding possible legislative changes to the federal sentencing statutes.

F. Floor

The Senate will take up a bill to ban stock trading by members of Congress and aides using information obtained through the course of their duties. The House will take up a bill to authorize federal aviation payments.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 06, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 10, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **The Promise of Accessible Technology.** On Tuesday, February 7 at 2:30 p.m. in Room G-50 of the Dirksen Senate Office Building, Eve Hill, Counselor to the Assistant Attorney General for the Civil Rights Division, will testify before the Senate Committee on Health, Education, Labor, and Pensions at a hearing titled "The Promise of Accessible Technology: Challenges and Opportunities."
2. **Transnational Organized Crime and the Threat of Money Laundering.** On Wednesday, February 8 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Jennifer Shasky, Chief of the Criminal Division's Asset Forfeiture and Money Laundering Section, will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at a hearing titled "Transnational Organized Crime and the Threat of International Money Laundering to the U.S. Financial System."
3. **FISA Amendments Act Reauthorization.** On Thursday, February 9 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, Lisa Monaco, Assistant Attorney General for the National Security Division, will testify before the Senate Select Committee on Intelligence at

a hearing titled “FISA Amendments Act Reauthorization and Prosecution of Unauthorized Disclosure.”

B. Hearings of interest to the Department

1. **Recess Appointments.** On Tuesday, February 7 at 10:00 a.m. in Room 2175 of the Rayburn House Office Building, the House Education and the Workforce Committee will hold a hearing titled “The NLRB Recess Appointments: Implications for America’s Workers and Employers.”
2. **Cybersecurity.** On Wednesday, February 8 at 9:30 a.m. in Room 2322 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Communications and Technology will hold a hearing titled “Cybersecurity: Threats to Communications Networks and Private Sector Responses.”

C. Pending Nominations

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; Anuj Desai to be a Commissioner on the Foreign Claims Settlement Commission; and Dennis J. Erby, ND MS. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Adalberto José Jordán, Eleventh Circuit; Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Jesse M. Furman, SD NY; Cathy Bencivengo, SD CA; Gina Marie Groh, ND WV; Margo Brodie, ED NY; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; and Brian C. Wimes, ED and WD MO.

On February 9, the Senate Judiciary Committee is scheduled to consider the following nominations: John Z. Lee, ND IL; John J. Tharp, Jr., ND IL; George Levi Russell, III, D MD; and Kristine Gerhard Baker, ED AR.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee:

Gregory K. Davis, SD MS.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; and Louise W. Kelton, MD TN.

D. Markups

1. **Senate Judiciary Committee.** On Thursday, February 9 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark S. 1945, a bill to permit the televising of Supreme Court proceedings.
2. **House Homeland Security Committee.** On Tuesday, February 7 at 1:45 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 3541, the “Susan B. Anthony and Fredrick Douglass Prenatal Nondiscrimination Act of 2011.”

E. Briefings

1. **Sentencing Issues.** On Monday, February 6 at 4:00 p.m. in Room 224 of the Dirksen Senate Office Building, a representative from the Criminal Division met with majority staff for the Senate Judiciary Committee on sentencing issues.
2. **Intellectual Property.** On Friday, February 10 at 11:00 a.m. in Room 224 of the Dirksen Senate Office Building, representatives from the Criminal Division will join representatives from Immigration and Customs Enforcement at a briefing for Senate judiciary staff on Operation In Our Sites.

F. Floor

1. The House plans to take up the following legislation:
 - H.R. 1734, the “Civilian Property Realignment Act”
 - H.R. 3521, the “Expedited Line-Item Veto and Rescissions Act of 2011”
 - H.R. 3581, the “Budget and Accounting Transparency Act of 2012”
 - S. 2038, the “Stop Trading on Congressional Knowledge Act of 2012.”
2. The Senate on Monday approved the conference report for H.R. 658, the “FAA Reauthorization and Reform Act of 2011.” The Senate is tentatively scheduled to take up S. 1813, the “Moving Ahead for Progress in the 21st Century Act” (the Surface Transportation reauthorization bill).



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 13, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 17, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Oversight of the Office on Violence Against Women.** On Thursday, February 16 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Susan B. Carbon, Director of the Office on Violence Against Women, will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at a hearing titled "The U.S. Department of Justice Office on Violence Against Women."

B. Hearings of interest to the Department

1. **Recess Appointments.** On Wednesday, February 15 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled "Executive Overreach: The President's Unprecedented 'Recess' Appointments."
2. **Bulletproof Vest Program.** On Wednesday, February 15 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled "Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program."

3. **DHS Monitoring of Social Networking and Media.** On Thursday, February 16 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Counterterrorism and Intelligence will hold a hearing titled “DHS (Department of Homeland Security) Monitoring of Social Networking and Media: Enhancing Intelligence Gathering and Ensuring Privacy.”
4. **Worldwide Threats to U.S. National Security.** On Thursday, February 16 at 9:30 a.m. in Room G-50 of the Dirksen Senate Office Building, the Senate Armed Services Committee will hold a hearing on worldwide threats to U.S. national security.
5. **Cybersecurity.** On Thursday, February 16 at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing titled “Securing America’s Future: The Cybersecurity Act of 2012.”
6. **Litigation.** On Friday, February 17 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing titled “Litigation as Predatory Practice.”

C. **Pending Nominations**

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; Anuj Desai to be a Commissioner on the Foreign Claims Settlement Commission; and Dennis J. Erby, ND MS. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Thomas Harrigan, to be the Deputy Administrator of Drug Enforcement, DEA; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Jesse M. Furman, SD NY; Gina Marie Groh, ND WV; Margo Brodie, ED NY; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; and Brian C. Wimes, ED and WD MO.

On February 9, the Senate voted to confirm the nomination of Cathy Bencivengo, SD CA. On February 13, the Senate invoked cloture by a vote of 89-5 on the nomination of Adalberto Jose Jordan, Eleventh Circuit, but did not vote on his confirmation.

On February, 15, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Patty Shwartz, Third Circuit; Jeffrey Helmick, ND OH; and Mary Lewis, D SC.

On February 16, the Senate Judiciary Committee is scheduled to consider the following nominations: Andrew Hurwitz, Ninth Circuit; John Z. Lee, ND IL; John J. Tharp, Jr., ND IL; George Levi Russell, III, D MD; and Kristine Gerhard Baker, ED AR.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; and Louise W. Kelton, MD TN.

D. Briefings

1. **FY2013 President's Budget Request.** On Tuesday, February 14 at 10:00 am in Room 226 of the Dirksen Senate Office Building and at 11:30 am in Room 2141 of the Rayburn House Office Building, representatives from the Justice Management Division, including Assistant Attorney General Jolene Lauria-Sullens and Budget Director Karin O'Leary, will brief Senate Judiciary Committee staff on the FY2013 President's Budget Request.
2. **Terrorism.** On Thursday, February 16 at 12:30 p.m. in Room 302 of the House Visitors Center, Andrew McCabe and Jenny Ley from the Federal Bureau of Investigation will brief Representative Peter King in response to a letter he wrote concerning Al-Awlaki's potential involvement in the 9/11 plot.

E. Floor

1. The House plans to take up H.R. 7, the "American Energy and Infrastructure Jobs Act of 2012," a bill to authorize funds for Federal-aid highway, public transportation, and highway and motor carrier safety programs.
2. The Senate plans to take up S 1813, the "Moving Ahead for Progress in the 21st Century Act," a bill to reauthorize Federal-aid highway and highway safety construction programs.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 27, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 27, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **FY 2013 Department of Justice Budget Request.** On Tuesday, February 28 at 9:00 a.m. in Room 2359 of the Rayburn House Office Building, Eric H. Holder, Jr., Attorney General, will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the proposed FY 2013 appropriations for the Department.
2. **Federal and Local Government Intelligence Sharing.** On Tuesday, February 28 at 10:00 a.m. in Room 311 of the House Cannon Office Building, Eric Velez-Villar, Assistant Director of the FBI, will testify before the House Homeland Security Subcommittee on Counterterrorism and Intelligence at a hearing titled "Federal Government Intelligence Sharing with State, Local and Tribal Law Enforcement: An Assessment Ten Years After 9/11."
3. **Locating and Identifying Missing Persons.** On Tuesday, February 28 at 2:00 p.m. in Room 2172 of the Rayburn House Office Building, Shawn A. Bray, Deputy Director of INTERPOL-USNCB, will testify before the Helsinki Commission (U.S. Commission on Security and Cooperation in Europe) at a hearing titled "Overcoming Obstacles to Locating

and Identifying Missing Persons as a Result of Armed Conflict, Natural or Man-Made Disasters, Genocide, or Other Causes.”

4. **Oversight of the Office of Community Oriented Policing Services.** On Wednesday, February 29 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Bernard K. Melekian, Director of the Office of Community Oriented Policing Services, will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security at a hearing on the Office of Community Oriented Policing Services.
5. **Prescription Drug Diversion and Abuse.** On Thursday, March 1 at 10:00 a.m. in Room 2322 of the Rayburn House Office Building, Joe Rannazzisi, Deputy Assistant Director of the Drug Enforcement Agency, will testify before the House Energy and Commerce Subcommittee on Commerce, Manufacturing and Trade at a hearing titled “Prescription Drug Diversion: Combating the Scourge.”

B. Hearings of interest to the Department

1. **Federal Rules and Religiously-Affiliated Entities.** On Tuesday, February 28 at 2:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled “Executive Overreach: The HHS [Department of Health and Human Services] Mandate Versus Religious Liberty.”
2. **Fraudulent Claims to Military Services and Awards.** On Wednesday, February 29 at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on National Security, Homeland Defense and Foreign Operations will hold a hearing titled “Preventing Stolen Valor: Challenges and Solutions.”
3. **Cruise Ship Safety.** On Wednesday, February 29 at 10:00 a.m. in Room 2167 of the Rayburn House Office Building, the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation and Infrastructure will hold a hearing to review cruise ship safety.
4. **Banning Indefinite Detention of Americans.** On Wednesday, February 29 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled “The Due Process Guarantee Act: Banning Indefinite Detention of Americans.”

C. Pending Nominations

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; Anuj Desai to be a Commissioner on the Foreign Claims Settlement Commission; and Dennis J. Erby, ND MS. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau

of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.

On March 1, the Senate Judiciary Committee is scheduled to consider the nomination of Thomas M. Harrigan, to be Deputy Administrator of Drug Enforcement.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Jesse M. Furman, SD NY; Gina Marie Groh, ND WV; Mary Elizabeth Phillips, WD MO; Thomas Owen Rice, ED WA; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; Brian C. Wimes, ED and WD MO; Kristine Gerhard Baker, ED AR; John Z. Lee, ND IL; George Levi Russell, III, D MD; and John J. Tharp, Jr., ND IL.

On February 27, the Senate voted to confirm the nomination of Margo Brodie, ED NY.

On February 29, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Richard Gary Taranto, Federal Circuit; Gershwin A. Drain, ED MI; and Robin S. Rosenbaum, SD FL.

On March 1, the Senate Judiciary Committee is scheduled to consider the following nominations: Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; and Timothy S. Hillman, D MA.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; and Louise W. Kelton, MD TN.

D. Markups

1. **House Judiciary Committee.** On Tuesday, February 28 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
- H.R. 4086, the “Foreign Cultural Exchange Jurisdictional Immunity Clarification Act,” a bill to clarify foreign cultural exchange jurisdictional immunity.
 - H.R. 3392, a bill to allow otherwise eligible Israeli nationals to receive E-2 nonimmigrant visas if similarly situated U.S. nationals are eligible for similar nonimmigrant status in Israel.

2. **Senate Judiciary Committee.** On Thursday, March 1 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1002, the “SAFE DOSES Act,” a bill to prohibit theft of medical products, and for other purposes.

E. Briefings

1. **Cyber Investigations.** On Tuesday, February 28 at 8:00 a.m., Senator Whitehouse will tour the FBI’s National Cyber Investigative Joint Task Force in Chantilly, VA.
2. **NDAA Implementation.** On Tuesday, February 28 at 5:15 P.M. in Room 217 of the Senate Visitors Center, Lisa Monaco, Assistant Attorney General for the National Security Division, and Sean Joyce, Deputy Director of the FBI, will participate in a closed briefing for bipartisan House and Senate staff on procedures to be issued by the President to implement Section 1022 of the National Defense Authorization Act for FY 2012. Also participating in the briefing will be Jeh Johnson, General Counsel of the Department of Defense.

E. Floor

1. The House is scheduled to take up the following bills:
 - HR 1433, the “Private Property Rights Protection Act of 2012,” a bill to protect private property rights.
 - HR 347, the “Federal Restricted Buildings and Grounds Improvement Act,” a bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, U.S.C.
 - HR 665, the “Excess Federal Building and Property Disposal Act of 2011,” a bill to establish a pilot program for the expedited disposal of Federal real property.
 - HR 3902, a bill to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.
 - HR 2117, the “Protecting Academic Freedom in Higher Education Act,” a bill to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965.
 - HR 1837, the “San Joaquin Valley Water Reliability Act,” a bill to address certain water-related concerns on the San Joaquin River.
2. The Senate is scheduled to take up S. 1813, the “Moving Ahead for Progress in the 21st Century Act,” a bill to reauthorize Federal-aid highway and highway safety construction programs.

F. Looking Ahead

1. **Testimony by the Attorney General.** On Thursday, March 8, 2012, the Attorney General is scheduled to testify before the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies on FY 2013 President's Budget Request.
2. **Testimony by the FBI Director.** On Wednesday, March 7, the FBI Director is scheduled to testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies on FY 2013 President's Budget Request.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 5, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 9, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **FY 2013 President's Budget Request.** On Tuesday, March 6 at 2:00 p.m. in H-309 of the Capitol, Charles E. Samuels, Jr., Director of the Bureau of Prisons, will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the proposed FY2013 appropriations for the BOP.
2. **FY 2013 President's Budget Request.** On Wednesday, March 7 at 9:00 a.m. in Room 2359 of the Rayburn House Office Building, Robert S. Mueller, III, Director of the FBI, will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the proposed FY2013 appropriations for the FBI.
3. **Lending Discrimination and Foreclosure Abuses.** On Wednesday, March 7 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, will testify before the Senate Judiciary Committee at a hearing titled "Examining Lending Discrimination Practices and Foreclosure Abuses."

4. **FY 2013 Department of Justice Budget Request.** On Thursday, March 8 at 10:00 a.m. in Room 124 of the Dirksen Senate Office Building, Eric H. Holder, Jr., Attorney General, will testify before the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the proposed FY2013 appropriations for the Department.

B. Hearings of interest to the Department

1. **Visa Overstay Issues.** On Tuesday, March 6 at 10:00 a.m. in Room 311 of the House Cannon Office Building, the House Homeland Security Subcommittee on Border and Maritime Security will hold a hearing titled “From the 9/11 Hijackers to Amine el-Khalifi: Terrorists and the Visa Overstay Problem.”
2. **Cybersecurity.** On Wednesday, March 7 at 10:00 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Committee will hold a hearing titled, “Cybersecurity: The Pivotal Role of Communications Networks.”
3. **Prescription Drug Epidemic.** On Wednesday, March 7 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security will hold a hearing titled “The Prescription Drug Epidemic in America.”
4. **Detention of Unlawfully Present Aliens.** On Wednesday, March 7 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing on H.R. 3808, the “Scott Gardener Act,” a bill to amend the Immigration and Nationality Act with respect to detention of unlawfully present aliens who are apprehended for driving while intoxicated.
5. **Parental Notification and Interstate Abortion.** On Thursday, March 8 at 9:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing on H.R. 2299, the “Child Interstate Abortion Notification Act,” a bill to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

C. Pending Nominations

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; Anuj Desai to be a Commissioner on the Foreign Claims Settlement Commission; and Dennis J. Erby, ND MS. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust

Division.

On March 8, the Senate Judiciary Committee is scheduled to consider the nomination of Thomas M. Harrigan, to be Deputy Administrator of Drug Enforcement.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Andrew Hurwitz, Ninth Circuit; Gina Marie Groh, ND WV; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; Brian C. Wimes, ED and WD MO; Kristine Gerhard Baker, ED AR; John Z. Lee, ND IL; George Levi Russell, III, D MD; and John J. Tharp, Jr., ND IL.

On March 6, the Senate is scheduled to consider the following nominations: Mary Elizabeth Phillips, WD MO; and Thomas Owen Rice, ED WA.

On March 8, the Senate Judiciary Committee is scheduled to consider the following nominations: Patty Shwartz, Third Circuit; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; and Timothy S. Hillman, D MA.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: Gregory K. Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; and Louise W. Kelton, MD TN.

D. Markups

1. **House Energy and Commerce Committee.** On Monday, March 5, beginning at 4:00 p.m., and carrying over into Tuesday, March 6, in Room 2123 of the Rayburn House Office Building, the Committee on Energy and Commerce will hold a markup of H.R. 452, the Medicare Decisions Accountability Act of 2011; H.R. 3309, the Federal Communications Commission Process Reform Act; and H.R. 3310, the Federal Communications Commission Consolidated Reporting Act. The Department has antitrust concerns about a particular subsection of H.R. 3309.
2. **House Judiciary Committee.** On Tuesday, March 6 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up H.R. 4119, the "Border Tunnel Prevention Act of 2012," a bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

3. **Senate Judiciary Committee.** On Thursday, March 8 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 1002, the “SAFE DOSES Act,” a bill to prohibit theft of medical products, and for other purposes.

E. Briefings

1. **Marketing Fraud.** On Monday, March 5 at 4:00 p.m. in Room 717 of the Hart Senate Office Building, Jonathan Rusch, Deputy Chief of the Criminal Division’s Fraud Section, briefed Senator Whitehouse’s staff on mass marketing and telemarketing fraud issues and proposed legislation.
2. **Cybersecurity.** On Wednesday, March 7 at 5:00 p.m. in Room 217 of the Senate Visitors’ Center, Deputy Attorney General James Cole will participate in a classified cybersecurity exercise for Senate Members.
3. **Sovereign Citizens Movement.** On Friday, March 9 at 1:00 p.m., FBI Deputy Assistant Director Stuart R. McArthur will brief House Homeland Security Committee on the Sovereign Citizens movement. Location is TBD.

F. Floor

1. The House is scheduled to take up the following bills:
 - H.R. 4105, a bill to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries.
 - H.R. 2842, the “Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011,” a bill to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law.
 - H.R. 3606, the “Reopening American Capital Markets to Emerging Growth Companies Act of 2012,” a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.
2. The Senate is scheduled to take up S. 1813, the “Moving Ahead for Progress in the 21st Century Act,” a bill to reauthorize Federal-aid highway and highway safety construction programs.

G. Looking Ahead

1. **Testimony by the FBI Director.** On Thursday, March 15, the FBI Director is scheduled to testify before the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies on the FY 2013 President’s Budget Request.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 12, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 16, 2012

The Senate is in session this week. The House is not in session.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **FOIA Oversight.** On Tuesday, March 13 at 10:30 a.m. Room 226 of the Dirksen Senate Office Building, Melanie Ann Pustay, Director of the Office of Information Policy, will testify before the Senate Judiciary Committee at a hearing titled "The Freedom of Information Act: Safeguarding Critical Infrastructure Information and the Public's Right to Know."
2. **FY 2013 President's Budget Request.** On Thursday, March 15 at 10:00 a.m. in Room 192 of the Dirksen Senate Office Building, Robert S. Mueller, III, Director of the FBI, will testify before the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on the proposed FY2013 appropriations for the FBI.

B. Hearings of interest to the Department

1. **Foreclosure Mitigation in Nevada.** On Thursday, March 15 at 9:30 a.m. in Las Vegas, Nevada, the House Financial Services Subcommittee on Financial Institutions and Consumer

Credit will hold a field hearing titled “An Examination of Potential Private Sector Solutions to Mitigate Foreclosures in Nevada.”

C. **Pending Nominations**

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; Anuj Desai to be a Commissioner on the Foreign Claims Settlement Commission; Dennis J. Erby; and Thomas M. Harrigan, to be Deputy Administrator of Drug Enforcement. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Gina Marie Groh, ND WV; David Nuffer, D UT; Michael Walter Fitzgerald, CD CA; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; Brian C. Wimes, ED and WD MO; Kristine Gerhard Baker, ED AR; John Z. Lee, ND IL; George Levi Russell, III, D MD; John J. Tharp, Jr., ND IL; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; and Timothy S. Hillman, D MA.

On March 6, the Senate voted to confirm the following nominations: Mary Elizabeth Phillips, WD MO; and Thomas Owen Rice, ED WA.

On March 14, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: William J. Kayatta, Jr., First Circuit; John Thomas Fowlkes, Jr., WD TN; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; and Stephanie Marie Rose, SD IA.

On March 15, the Senate Judiciary Committee is scheduled to consider the following nominations: Richard Gary Taranto, Federal Circuit; and Robin S. Rosenbaum, SD FL.

3. **U.S. Attorneys.** On March 15, the Senate Judiciary Committee is scheduled to consider the nomination of Greg Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; and Louise W. Kelton, MD TN.

D. Briefings

1. **Discovery Reform.** On Tuesday March 13 at 2:00 p.m. in Room 224 of the Dirksen Senate Office Building, Department representatives will brief Senate Judiciary staff on improvements in criminal discovery practice and will express concerns with proposed legislation on this topic that may be introduced soon.
2. **FISA Amendments Act.** On Thursday, March 15 at 2:00 p.m. in Room 217 of the Senate Visitors Center, representatives of the National Security Division will provide a closed briefing to Senate Judiciary Committee staff on the FISA Amendments Act.

E. Floor

1. The Senate is scheduled to take up S. 1813, the “Moving Ahead for Progress in the 21st Century Act,” a bill to reauthorize Federal-aid highway and highway safety construction programs.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 19, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 23, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Tax Fraud by Identity Theft.** On Tuesday, March 20 at 10:00 a.m. in Room 215 of the Dirksen Senate Office Building, Ronald A. Cimino, Deputy Assistant Attorney General for criminal matters in the Tax Division, will testify before the Senate Finance Subcommittee on Fiscal Responsibility and Economic Growth at a hearing titled "The Spread of Tax Fraud by Identity Theft."
2. **FOIA Oversight.** On Wednesday, March 21 at 2:00 p.m. in Room 2154 of the Rayburn House Office Building, Melanie Ann Pustay, Director of the Office of Information Policy, will testify before the House Oversight and Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform at a hearing titled "FOIA in the 21st Century: Using Technology to Improve Transparency in Government."

B. Hearings of interest to the Department

1. **Mortgage Servicing Practices and Foreclosures.** On Monday, March 19 at 9:30 a.m. in Brooklyn, New York, the House Oversight and Government Reform Committee held a

hearing titled “Failure to Recover: The State of Housing Markets, Mortgage Servicing Practices and Foreclosures.”

2. **Identification Card Standards.** On Wednesday, March 21 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing titled “Secure Identification: The REAL ID Act’s Minimum Standards for Driver’s Licenses and Identification Cards.”
3. **Government Reorganization Plan.** On Wednesday, March 21 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing titled “Retooling Government for the 21st Century: The President’s Reorganization Plan and Reducing Duplication.”
4. **Determining Guilt or Innocence.** On Wednesday, March 21 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled “Justice for All: Convicting the Guilty and Exonerating the Innocent.”
5. **Verizon/Cable Deals.** On Wednesday, March 21 at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a hearing titled “The Verizon/Cable Deals: Harmless Collaboration or a Threat to Competition and Consumers?”

C. **Pending Nominations**

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; Anuj Desai to be a Commissioner on the Foreign Claims Settlement Commission; Dennis J. Erby; and Thomas M. Harrigan, to be Deputy Administrator of Drug Enforcement. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; David Nuffer, D UT; Ronnie Abrams, SD NY; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; Brian C. Wimes, ED and WD MO; Kristine Gerhard Baker, ED AR; John Z. Lee, ND IL; George Levi Russell, III, D MD; John J. Tharp, Jr., ND IL; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; and Timothy S. Hillman, D MA.

On March 15, the Senate voted to confirm the following nominations: Gina Marie Groh, ND WV; and Michael Walter Fitzgerald, CD CA.

On March 22, the Senate Judiciary Committee is scheduled to consider the following nominations: Richard Gary Taranto, Federal Circuit; Robin S. Rosenbaum, SD FL; and Gershwin A. Drain, ED MI.

3. **U.S. Attorneys.** On March 22, the Senate Judiciary Committee is scheduled to consider the nomination of Greg Davis, SD MS.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; and Louise W. Kelton, MD TN.

D. Markups

1. **House Judiciary Committee.** On Tuesday, March 20 at 10:40 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 3534, the “Security in Bonding Act of 2011,” a bill to amend Title 31, U.S.C., to revise requirements related to assets pledged by a surety.
 - H.R. 4078, the “Regulatory Freeze for Jobs Act of 2012,” a bill to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6 percent.
 - H.R. 3862, the “Sunshine for Regulatory Decrees and Settlements Act of 2012,” a bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof.
2. **Senate Judiciary Committee.** On Thursday, March 22 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is schedule to mark up S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

E. Briefings

1. **Child Sex Trafficking.** On Monday, March 19 at 5:00 p.m. in Room 402 of the Cannon House Office Building, the FBI led a briefing to interested House members (including Reps. Bass, Marino and others TBD) on the Innocence Lost Initiative to combat child sex trafficking. Paul Almanza, the DOJ National Coordinator for Child Exploitation Prevention, and Alexandra Gelber, Deputy Chief of the Criminal Division’s Child Exploitation and Obscenity Section, attended in support.
2. **Forensic Sciences.** On Thursday, March 22 at 3:30 p.m. in Room 406 of the Dirksen Senate Office Building, John Laub, Director of the National Institute of Justice, along with representatives from the National Institute of Standards and Technology and the National Science Foundation will meet with Senator Bozeman to discuss forensic issues regarding roles of various USG entities in regard to research and standards.

3. **National Mortgage Servicer Settlement.** On Thursday, March 22 at 4:15 p.m. in Room 2128 of the Rayburn House Office Building, DOJ will participate, along with the Department of Housing and Urban Development and the Department of the Treasury in a briefing for House Financial Services Staff on the national mortgage servicer settlement. The Consumer Financial Protection Bureau has also been invited to participate.
4. **FISA Amendments Act.** On Friday, March 23 at 10:00 a.m. at the National Security Agency's headquarters in Fort Meade, Maryland, representatives of the Department's National Security Division will participate in a briefing for Senate Judiciary Committee, Senate Select Intelligence Committee and Senate Leadership staff on implementation of the FISA Amendments Act.

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 4086, the "Foreign Cultural Exchange Jurisdictional Immunity Clarification Act," a bill to clarify the exception to foreign sovereign immunity for certain cultural exchange activities.
 - H.R. 3392, the "Regulatory Review Act of 2011," a bill to provide for periodic review of major rules.
 - H.R. 665, the "Excess Federal Building and Property Disposal Act of 2011," a bill to establish a pilot program for the expedited disposal of Federal real property.
 - H.R. 2087, a bill to remove restrictions from a parcel of land situated in Virginia.
 - H.R. 5, the "Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011," a bill to place limitations on lawsuits arising from health care liability claims.
2. The Senate is scheduled to take up H.R. 3606, the "Reopening American Capital Markets to Emerging Growth Companies Act of 2011," a bill to improve access to the public capital markets for emerging growth companies.

G. Looking Ahead

1. **Violence Against Women Act.** The Senate is expected to turn to consideration of S. 1925, the Violence Against Women Reauthorization Act of 2011, in the near future, possibly as soon as late this week.
2. **Schuelke Report Hearing.** On Wednesday, March 28, 2012 in Room 224 of the Dirksen Senate Office Building, the Senate Judiciary Committee will conduct a hearing on the findings and conclusions of a report issued by counsel Henry Schuelke who was appointed by District Court Judge Sullivan (D.D.C.) to investigate whether Department attorneys engaged in criminal contempt during the Department's prosecution of former Senator Ted Stevens (AK). Presently, no Department witness is scheduled to testify at the hearing, but the Department is planning to submit a Statement for the Record to the Committee setting forth the Department's efforts to improve the discovery practices of its prosecutors since the Stevens prosecution.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 26, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 30, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Medicare and Medicaid Fraud.** On Monday, March 26 at 10:00 a.m. in the East Providence Senior Center in East Providence, Rhode Island, Peter F. Neronha, United States Attorney for the District of Rhode Island, testified before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing titled "Protecting Medicare and Medicaid: Efforts to Prevent, Investigate, and Prosecute Health Care Fraud."

B. Hearings of interest to the Department

1. **Government Protections of Vulnerable Workers.** On Tuesday, March 27 at 10:00 a.m. in Room 2247 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform will hold a hearing titled "Labor Abuses, Human Trafficking, and Government Contracts: Is the Government Doing Enough to Protect Vulnerable Workers?"
2. **Cybersecurity.** On Wednesday, March 28 at 10:00 a.m. in Room 2322 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Communications

and Technology will hold a hearing titled “Cybersecurity: Threats to Communications Networks and Public-Sector Responses.”

3. **Prescription Drug Safety Legislation.** On Wednesday, March 28 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on the following legislation:
 - H.R. 4223, the “Safe Doses Act,” a bill to amend Title 18, U.S.C., to prohibit theft of medical products.
 - H.R. 3668, the “Counterfeit Drug Penalty Enhancement Act of 2011,” a bill to prevent trafficking in counterfeit drugs.
 - H.R. 4216, the “Foreign Counterfeit Prevention Act,” a bill to provide for the exchange of information related to trade enforcement.
4. **Stevens Prosecution.** On Wednesday, March 28 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on a report concerning the prosecution of former Senator Ted Stevens, R-Alaska, focusing on allegations of prosecutorial misconduct.
5. **DHS Immigration Detention Standards.** On Wednesday, March 28 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing titled “Holiday on ICE (Immigration and Customs Enforcement): The U.S. Department of Homeland Security’s New Immigration Detention Standards.”
6. **Foreclosure and Student Debt Crises.** On Wednesday, March 28 at 2:30 p.m. in Room 138 of the Dirksen Senate Office Building, the Senate Appropriations Subcommittee on Financial Services and General Government will hold a hearing on efforts to enhance economic growth, focusing on the Department of the Treasury’s responses to the foreclosure crisis and mounting student debt.
7. **Forensics Science.** On Wednesday, March 28 at 2:30 p.m. in Room 254 of the Russell Senate Office Building, the Senate Commerce, Science and Transportation Committee will hold a hearing on the science and standards of forensics.
8. **Health Care Law Mandates.** On Thursday, March 29 at 9:00 a.m. in Room 1100 of the Longworth House Office Building, the House Ways and Means Subcommittee on Health will hold a hearing on the constitutional issues raised by the individual mandate in the Patient Protection and Affordable Care Act.
9. **Pharmacies Legislation.** On Thursday, March 29 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing on H.R. 1946, the “Preserving Our Hometown Independent Pharmacies Act of 2011,” a bill to exempt independent pharmacies from the antitrust laws in their negotiations with health plans and health insurance insurers.
10. **Gasoline Price Trends.** On Thursday, March 29 at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building, the Senate Energy and Natural Resources Committee will hold a

hearing on current and near-term future price expectations and trends for motor gasoline and other refined petroleum fuels.

11. **Campaign Finance Disclosure Rules.** On Thursday, March 29 at 10:00 a.m. in Room 301 of the Russell Senate Office Building, the Senate Rules and Administration Committee will hold a hearing on S. 2219, the “DISCLOSE Act,” a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities.

C. **Pending Nominations**

1. **Department Nominees.** The following nominations are pending on the Senate Executive Calendar: Michael Horowitz, to be DOJ Inspector General; Kathryn Keneally, to be the Assistant Attorney General for the Tax Division; Anuj Desai to be a Commissioner on the Foreign Claims Settlement Commission; Dennis J. Erby; and Thomas M. Harrigan, to be Deputy Administrator of Drug Enforcement. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Stephanie Dawn Thacker, Fourth Circuit; Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Rudolph Contreras, D DC; Miranda Du, D NV; Susie Morgan, ED LA; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; Brian C. Wimes, ED and WD MO; Kristine Gerhard Baker, ED AR; John Z. Lee, ND IL; George Levi Russell, III, D MD; John J. Tharp, Jr., ND IL; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; and Timothy S. Hillman, D MA.

On March 22, the Senate voted to confirm the following nominations: Ronnie Abrams, SD NY; and David Nuffer, D UT.

On March 28, the Senate Judiciary Committee is scheduled to hold a hearing on judicial nominations.

On March 29, the Senate Judiciary Committee is scheduled to consider the following nominations: Richard Gary Taranto, Federal Circuit; Robin S. Rosenbaum, SD FL; and Gershwin A. Drain, ED MI.

3. **U.S. Attorneys.** The following individual has been nominated by the President to serve as United States Attorney, and his nomination is pending in the Senate Judiciary Committee: John S. Leonardo, USA D AZ.

On March 29, the Senate Judiciary Committee is scheduled to consider the nomination of Gregory K. Davis, SD MS.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; and Louise W. Kelton, MD TN.

D. Markups

1. **House Judiciary Committee.** On Tuesday, March 27 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 3862, the “Sunshine for Regulatory Decrees and Settlements Act of 2012,” a bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof.
 - H.R. 2299, the “Child Interstate Abortion Notification Act,” a bill to amend Title 18, U.S.C., to prohibit taking minors across state lines in circumvention of laws requiring the involvement of parents in abortion decisions.
2. **Senate Judiciary Committee.** On Thursday, March 29 at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is schedule to mark up S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

E. Briefings

1. **NCTC Guidelines.** On Monday, March 26 at 4:00 p.m. in Room 211 of the Hart Senate Office Building, Trisha Anderson of the Office of the Deputy Attorney General and Brad Wiegmann of the National Security Division participated in a briefing for staff of the Senate Select Committee on Intelligence on the *Guidelines for Access, Retention, Use, and Dissemination by the National Counterterrorism Center and Other Agencies of Information in Datasets Containing Non-Terrorism Information*.
2. **Office of Justice Programs.** On Tuesday, March 27 at 1:30 p.m. in Room 224 of the Dirksen Senate Office Building, Mary Lou Leary, Acting Assistant Attorney General of the Office of Justice Programs, will meet with Senate Judiciary Committee staff regarding OJP’s priorities under her leadership.
3. **Community Relations Service.** On Tuesday, March 27 at a time and location to be determined, Becky L. Monroe, acting director of the Community Relations Service (CRS) will brief House Judiciary Committee members and staff on the role and work of CRS.

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 2779, a bill to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

- H.R. 2682, the “Business Risk Mitigation and Price Stabilization Act of 2011,” a bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.
 - H.R. 4014, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.
 - H.R. 3298, the “Farm Credit Banks and Associations Safety and Soundness Act of 1992,” a bill to enhance the financial safety and soundness of the banks and associations of the Farm Credit System.
 - H.R. 4239, the “Surface Transportation Extension Act of 2012,” a bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.
 - H.R. 3606, the “Jumpstart Our Business Startups Act,” a bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.
 - H.R. 3309, the “Federal Communications Commission Process Reform Act of 2012,” a bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission.
2. The Senate is scheduled to take up the following legislation:
- S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.
 - S. 1789, the “21st Century Postal Service Act of 2012,” a bill to improve, sustain, and transform the United States Postal Service.

G. Looking Ahead

1. **Violence Against Women Act.** The Senate is expected to turn to consideration of S. 1925, the Violence Against Women Reauthorization Act of 2011, in mid-April.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 16, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 20, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Senator Stevens Prosecution.** On Thursday, April 19 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on the conduct of the prosecution of former Senator Ted Stevens. The Department will be submitting a statement for the record.

B. Hearings of interest to the Department

1. **Racial Profiling in America.** On Tuesday, April 17 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Constitution, Civil Rights and Human Rights will hold a hearing titled "Ending Racial Profiling in America."
2. **Voting Rights Enforcement.** On Wednesday, April 18 at 9:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing titled "Voting Wrongs: Oversight of the Justice Department's Voting Rights Enforcement."

3. **E-Verify.** On Wednesday, April 18 at 11:15 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing titled “Document Fraud in Employment Authorization: How an E-Verify Requirement Can Help.”
4. **Tax Gap and Identity Theft.** On Thursday, April 19 at time TBA in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on Government Organization, Efficiency and Financial Management will hold a hearing titled “Problems at the Internal Revenue Service: Closing the Tax Gap and Preventing Identity Theft.”
5. **General Services Administration (“GSA”) Mismanagement Issues.**
 - On Monday, April 16 at 1:30 p.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee held a hearing titled “Addressing GSA’s Culture of Wasteful Spending.”
 - On Tuesday, March 17 at 8:30 a.m. in Room 2167 of the Rayburn House Office Building, the House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management will hold a hearing titled “GSA’s Squandering of Taxpayer Dollars: A Pattern of Mismanagement, Excess and Waste.”
 - On Wednesday, April 18 at 2:30 p.m. in Room 138 of the Dirksen Senate Office Building, the Senate Appropriations Subcommittee on Financial Services and General Government will hold a hearing titled “A Review of the Recent Inspector General Management Deficiency Report and An Assessment of the FY 2013 GSA Funding Request.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Andrew Hurwitz, Ninth Circuit; Patty Schwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; Brian C. Wimes, ED and WD MO; Kristine Gerhard Baker, ED AR; John Z. Lee, ND IL; George Levi Russell, III, D MD; John J. Tharp, Jr., ND IL; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; Timothy S. Hillman, D MA; Robin S. Rosenbaum, SD FL; and Gershwin A. Drain, ED MI.

On March 28, the Senate voted to confirm the following nominations: Susie Morgan, ED LA; and Miranda Du, D NV. On April 16, the Senate voted to confirm the nomination of Stephanie Dawn Thacker, Fourth Circuit.

On April 19, the Senate Judiciary Committee is scheduled to consider the following nominations: William J. Keyatta, Jr., First Circuit; John Thomas Fowlkes, Jr, WD TN; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Michael P. Shea, D CT; Gonzalo P. Curiel, SD CA; and Robert J. Shelby, D UT.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; Louise W. Kelton, MD TN; and Patrick J. Wilkerson, ED OK.
5. **Other Nominations.** On Wednesday, April 18 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on the nominations of James Xavier Dempsey, Elisebeth Collins Cook, Rachel L. Brand, David Medine, and Patricia M. Wald to be members of the Privacy and Civil Liberties Oversight Board.

D. Markups

1. **Senate Appropriations Subcommittee on Justice, Science, and Related Agencies.** On Tuesday, April 17 at 2:30 p.m. in Room 192 of the Dirksen Senate Office Building, the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies will mark up draft legislation that would make FY 2013 appropriations for the Department.
2. **House Judiciary Committee.** On Tuesday, April 17 at 3:30 p.m. and Wednesday, April 18 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the “Committee Print of Material to be Transmitted to the Committee on the Budget Pursuant to Section 201 of House Concurrent Resolution 112,” a concurrent resolution establishing the budget for the United States government for FY 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022.
3. **Senate Judiciary Committee.** On Thursday, April 19 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is schedule to mark up S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

E. Briefings

1. **FISA Amendments Act.** On Friday, April 20 at 10:00 a.m. at the FBI Headquarters, representatives of the FBI will brief staff from the Senate Judiciary and Senate Select Intelligence Committees on matters related to the renewal of the FISA Amendments Act.

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 4089, the “Sportsmen’s Heritage Act of 2012,” a bill to protect and enhance opportunities for recreational hunting, fishing and shooting.
 - H.R. 9, the “Small Business Tax Cut Act,” a bill to amend the Internal Revenue Code of 1986 to provide a deduction for domestic business income of qualified small businesses.
 - An extension of surface transportation programs with a provision to force approval of the Keystone XL oil pipeline.
2. The Senate is scheduled to take up S. 2230, the “Paying a Fair Share Act of 2012,” a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

G. Looking Ahead

1. **Violence Against Women Act.** The Senate is expected to turn to consideration of S. 1925, the Violence Against Women Reauthorization Act of 2011, in late April or early May.
2. **Cybersecurity.** The House and Senate may take up various cybersecurity bills over the next several weeks.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 23, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 27, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Health Care Fraud.** On Tuesday, April 24 at 10:00 a.m. in Room 215 of the Dirksen Senate Office Building, Wifredo A. Ferrer, U.S. Attorney for the Southern District of Florida, will testify before the Senate Committee on Finance at a hearing titled "Anatomy of a Fraud Bust: From Investigation to Conviction."

B. Hearings of interest to the Department

1. **Arizona Immigration Law.** On Tuesday, April 24 at 10:00 a.m. in Room G-50 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Immigration, Refugees and Border Security will hold a hearing titled "Examining the Constitutionality and Prudence of State and Local Governments Enforcing Immigration Law."
2. **MF Global.** On Tuesday, April 24 at 10:00 a.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold a hearing titled "The Collapse of MF Global: Lessons Learned and Policy Implications."

3. **Cybersecurity Issues.** On Tuesday, April 24 at 2:00 p.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Oversight, Investigations and Management will hold a hearing titled “America is Under Cyber Attack: Why Urgent Action is Needed.”
4. **ADA Rules on Pool and Spa Access.** On Tuesday, April 24 at 4:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing titled “The Department of Justice’s Guidance on Access to Pools and Spas Under the ADA.”
5. **Health Care Fraud.** On Wednesday, April 25 at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittees on Health Care, District of Columbia, Census and the National Archives and Regulatory Affairs, Stimulus Oversight, and Government Spending will hold a hearing titled “Is Government Adequately Protecting Taxpayers from Medicaid Fraud?”
6. **DNA Technology and Cold Cases.** On Wednesday, April 25 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on the use of DNA technology to solve cases and on H.R. 3361, a bill to direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System.
7. **Oversight of the Department of Homeland Security.** On Wednesday, April 25 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold an oversight hearing on DHS.
8. **Overhaul of the Federal Permitting Process.** On Wednesday, April 25 at 12:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing on legislation that would overhaul the federal permitting process, including environmental assessments and environmental impact statements.
9. **International Patent Issues.** On Thursday, April 26 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing titled “International Patent Issues: Promoting a Level Playing Field for American Industry Abroad.”
10. **Victims’ Rights.** On Thursday, April 26 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing on the Victims’ Rights Amendment.
11. **Immigration Policy.** On Friday, April 27 at 9:15 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing titled “E-Verify: The Perspective of Employers Who Use It.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Jacqueline H. Nguyen, Ninth Circuit; Paul J. Watford, Ninth Circuit; Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; Brian C. Wimes, ED and WD MO; Kristine Gerhard Baker, ED AR; John Z. Lee, ND IL; George Levi Russell, III, D MD; John J. Tharp, Jr., ND IL; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; Timothy S. Hillman, D MA; Robin S. Rosenbaum, SD FL; and Gershwin A. Drain, ED MI.

On April 23, the Senate confirmed the nomination of Brian C. Wimes, ED WD MO by a vote of 92-1.

On April 26, the Senate Judiciary Committee is scheduled to consider the following nominations: Michael P. Shea, D CT; Gonzalo P. Curiel, SD CA; and Robert J. Shelby, D UT.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; Louise W. Kelton, MD TN; and Patrick J. Wilkerson, ED OK.

D. Markups

1. **House Judiciary Committee.** On Wednesday, April 25 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the "Committee Print of Material to be Transmitted to the Committee on the Budget Pursuant to Section 201 of House Concurrent Resolution 112," a concurrent resolution establishing the budget for the United States government for FY 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022; and H.R. 365, the "National Blue Alert Act of 2011," a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

E. Briefings

1. **Juvenile Justice.** On Monday, April 23 at 11:00 a.m. in Room 224 of the Senate Dirksen Office Building, representatives from the Office of Justice Programs met with Senate Judiciary Committee staff regarding the priorities of the Office of Juvenile Justice and Delinquency Prevention.
2. **Firearms Trace Data.** During the week of April 23, ATF will be conducting a series of briefings for House and Senate Appropriations and Judiciary Committee staff on the release and publication of firearms trace data from Mexico, Canada, and Caribbean.

F. Floor

1. The House is scheduled to take up the following legislation, including several cybersecurity bills:
 - H.R. 3336, the “Small Business Credit Availability Act,” a bill to ensure the exclusion of small lenders from certain regulations of the Dodd-Frank Act.
 - H.R. 2146, the “Digital Accountability and Transparency (DATA) Act,” a bill to require accountability and transparency in federal spending.
 - H.R. 2096, the “Cybersecurity Enhancement Act of 2011,” a bill to advance cybersecurity research, development, and technical standards.
 - H.R. 3834, a bill to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research.
 - H.R. 4257, the “Federal Information Security Amendments Act of 2012,” a bill to provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support federal operations.
 - H.R. 3523, the “Cyber Intelligence Sharing and Protection Act,” a bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities.
2. The Senate is scheduled to take up S. 1925, the Violence Against Women Reauthorization Act, and the following additional legislation:
 - S. 1789, the “21st Century Postal Service Act of 2012,” a bill to overhaul the U.S. Postal Service.
 - SJ Res 36, a joint resolution providing for congressional disapproval of the rule submitted by the National Labor Relations Board relating to representation election procedures.

G. Looking Ahead

1. **Cybersecurity.** The House and Senate are expected to continue work on various cybersecurity bills over the coming weeks.
2. **FISA Amendments Act Reauthorization.** We are hopeful that House and Senate Intelligence and Judiciary Committees will soon begin consideration of legislation to extend the FAA, which expires at the end of this year.

3. **National Defense Authorization Act for FY 2013.** We anticipate that the Armed Services Committees will begin consideration of the NDAA for FY 2013, with a possible full committee markup in the House as early as this week. The measure may include a number of detainee-related provisions.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 07, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 11, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **FBI Oversight.** On Wednesday, May 9 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Robert S. Mueller III, Director of the FBI, will testify before the House Judiciary Committee at an oversight hearing on the FBI.

B. Hearings of interest to the Department

1. **Ohio Voting Law.** On Monday, May 7 at 9:30 a.m. in Cleveland, Ohio, the Senate Judiciary Subcommittee on Constitution, Civil Rights and Human Rights will hold a hearing on the impact of Ohio House Bill 194, which restricts early voting, eliminates the requirement that poll workers direct voters to the proper precinct, and makes it harder to vote absentee.
2. **Border Patrol Strategy.** On Tuesday, May 8 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Border and Maritime Security will hold a hearing titled "Measuring Border Security: U.S. Border Patrol's New Strategic Plan and the Path Forward."

3. **Identity Theft and Tax Fraud.** On Tuesday, May 8 at 10:00 a.m. in Room 1100 of the Longworth House Office Building, the House Ways and Means Subcommittee on Social Security and Subcommittee on Oversight will hold a joint hearing on tax fraud involving identity theft, focusing on identity thieves who steal Social Security numbers to improperly claim refunds.
4. **Intellectual Property Enforcement.** On Wednesday, May 9 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold an oversight hearing on the Office of the Intellectual Property Enforcement Coordinator.
5. **Privacy Protections.** On Wednesday, May 9 at 2:30 p.m. in Room 253 of the Russell Senate Office Building, the Senate Commerce, Science and Transportation Committee will hold a hearing titled “The Need for Privacy Protections: Perspectives from the Administration and the Federal Trade Commission.”
6. **Asbestos Claims Legislation.** On Thursday, May 10 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing on H.R. 4369, the “Furthering Asbestos Claim Transparency Act of 2012.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Paul J. Watford, Ninth Circuit; Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; George Levi Russell, III, D MD; John J. Tharp, Jr., ND IL; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; Timothy S. Hillman, D MA; Robin S. Rosenbaum, SD FL; and Gershwin A. Drain, ED MI.

On May 7, the Senate confirmed the nomination of Jacqueline H. Nguyen, Ninth Circuit; Kristine Gerhard Baker, ED AR; and John Z. Lee, ND IL.

On May 9, the Senate Judiciary Committee will have a hearing on the following nominations: Robert E. Bacharach, Tenth Circuit; Paul William Grimm, D MD; John E. Dowdell, ND OK; Mark E. Walker, ND FL; and Brian J. Davis, MD FL.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary

Committee: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; Louise W. Kelton, MD TN; and Patrick J. Wilkerson, ED OK.

D. Markups

1. **House Judiciary Committee.** On Tuesday, May 8 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 4970, the “Violence Against Women Reauthorization Act of 2012,” a bill to reauthorize the Violence Against Women Act of 1994.
 - H.R. 4377, the “Responsibly and Professionally Invigorating Development Act of 2012,” a bill to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations.
 - The “Divisional Realignment Act of 2012,” a bill to realign the Northern District of Mississippi.
2. **House Armed Services Committee.** On Wednesday, May 9 at 10:00 a.m. in Room 2118 of the Rayburn House Office Building, the House Armed Services Committee will mark up H.R. 4310, the “2013 National Defense Authorization Act,” a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense. We expect the measure to include a number of detainee-related provisions.

E. Briefings

1. **Cybersecurity.**
 - On Monday, May 7 at 10:00 a.m. in Room 717 of the Hart Senate Office Building, Leonard Bailey (ODAG), Anita Singh (NSD), Richard Downing (CRM), and Paul Tiao (FBI) met with Senator Whitehouse’s staff to discuss cybersecurity strategy and resources.
 - On Tuesday, May 8 at 10:15 a.m. in Room 290 of the Russell Senate Office Building, James Cole, Deputy Attorney General, is scheduled to meet with Senator Lindsay Graham to discuss cybersecurity.
2. **Law Enforcement Grant Programs.** On Tuesday, May 8 at 1:30 p.m. in Room 106 of the Dirksen Senate Office Building, Bernard K. Melekian, Director of Community Oriented Policing Services, will host an “open house” meeting with Congressional Members and staff to discuss upcoming law enforcement grant programs and current public safety trends.

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 5326, a bill for making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2013. A Statement of Administration Policy states that the President's senior advisors would recommend a veto if he were presented with the bill.
 - H.R. 4133, the "United States-Israel Enhanced Security Cooperation Act of 2012," a bill to direct the President to submit to Congress reports on United States actions to enhance the U.S.-Israel relationship.
 - H.R. 2072, the "Securing American Jobs Through Exports Act of 2011," a bill to reauthorize the Export-Import Bank of the United States.
 - H.R. 4966, the "Sequester Replacement Act of 2012," a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester established by the Budget Control Act of 2011.
2. The Senate is scheduled to take up S. 2343, the "Stop the Student Loan Interest Rate Hike Act of 2012," a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

G. Looking Ahead

1. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.
2. **FISA Amendments Act Reauthorization.** We anticipate that the Senate Select Committee on Intelligence will mark up legislation to reauthorize the FISA Amendments Act on June 5, 2012. We are hopeful that the House Permanent Select Committee on Intelligence and the House and Senate Judiciary Committees will also soon begin consideration of legislation to extend the FAA, which expires at the end of this year.
3. **National Defense Authorization Act for FY 2013.** With the House Armed Services Committee marking up the NDAA for FY 2013 this week, we anticipate that the Senate Armed Services Committee will begin consideration of its bill on May 23. Like the House bill, the Senate measure is expected to include a number of detainee-related provisions.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 14, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 18, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **FBI Oversight.** On Wednesday, May 16 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Robert S. Mueller III, Director of the FBI, will testify before the Senate Judiciary Committee at an oversight hearing on the FBI.
2. **Countering Narcotics Threats.** On Wednesday, May 16 at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building, Thomas M. Harrigan, DEA Deputy Administrator, will testify before the Senate Caucus on International Narcotics Control at a hearing titled "Countering Narcotics Threats in West Africa."

B. Hearings of interest to the Department

1. **America Invents Act.** On Wednesday, May 16 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on the implementation of the America Invents Act, a comprehensive overhaul of U.S. patent law that implemented a first-inventor-to-file standard for patent approval, created a post-grant review system to weed out bad patents, and directed the Patent and Trademark Office to address the backlog of patent applications.

2. **Geolocation Privacy and Surveillance Act.** On Thursday, May 17 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on H.R. 2168, the “Geolocation Privacy and Surveillance Act,” a bill to specify the circumstances in which geolocation information may be acquired or disclosed.
3. **Health Care Act Oversight.** On Friday, May 18 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing titled “Health Care Consolidation and Competition after the Patient Protection and Affordable Care Act.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Paul J. Watford, Ninth Circuit; Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; Gregg Jeffrey Costa, SD TX; David Campos Guaderrama, WD TX; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; Timothy S. Hillman, D MA; Robin S. Rosenbaum, SD FL; and Gershwin A. Drain, ED MI.

On May 14, the Senate confirmed the nominations of George Levi Russell, III, D MD and John Tharp Jr., ND IL.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; Louise W. Kelton, MD TN; and Patrick J. Wilkerson, ED OK.
5. **Other Nominees.** On May 17, the Senate Judiciary Committee is scheduled to vote on the following nominations to the Privacy and Civil Liberties Oversight Board: David Medine, James Xavier Dempsey, Elisebeth Collins Cook, Rachel L. Brand, and Patricia M. Wald.

D. **Markups**

1. **House Judiciary Committee.** On Wednesday, May 16 at 12:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee is scheduled to mark up the following legislation:
 - H.R. 5512, the “Divisional Realignment Act of 2012,” a bill to realign divisions within the Eastern District of Missouri and the Northern District of Mississippi.
 - H.R. 4377, the “Responsibly and Professionally Invigorating Development Act of 2012,” a bill to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations.
2. **Senate Judiciary Committee.** On Thursday, May 17 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up the following legislation:
 - S. 2554, the “Bulletproof Vest Partnership Grant Act of 2012,” a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017.
 - S. 2276, the “Officer Safety Act of 2012,” a bill to permit Federal officers to remove cases involving crimes of violence to Federal court.
 - S. 2076, the “Local Courthouse Safety Act of 2012,” a bill to improve security at State and local courthouses.
 - S. 2370, the “Small Business Reorganization Efficiency and Clarity Act,” a bill to make bankruptcy organization more efficient for small business debtors.

E. Briefings

1. **Competition in Health Care Markets.** On Friday, May 18, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold an oversight hearing on consolidation and competition after the Affordable Care Act. There will be no Administration witnesses. However, minority staff from the subcommittee have requested a briefing from the Antitrust Division on this subject to aid in their preparation for the hearing. Gene Kimmelman from ATR will provide the briefing on Tuesday, May 15 at 4:00 p.m.
2. **Ali Musa Daqduq.** On Monday, May 14, Assistant Deputy Attorney General Douglas Allen participated in closed interagency briefings for House and Senate leadership and committee staff (including the Intelligence, Judiciary, and Appropriations Committees) on the status of Iraqi court proceedings against Ali Musa Daqduq. Also participating were representatives from the Department of State, the National Counterterrorism Center and the Department of Defense.

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 4970, the “Violence Against Women Reauthorization Act of 2012.”
 - H.R. 4310, the “National Defense Authorization Act for FY 2013.”

- H.R. 3534, the “Security in Bonding Act of 2011,” a bill to revise requirements related to assets pledged by a surety.
 - H.R. 4119, the “Border Tunnel Prevention Act of 2012,” a bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.
 - H.R. 4240, a bill to reauthorize the North Korean Human Rights Act of 2004.
2. The Senate is scheduled to take up H.R. 2072, the “Securing American Jobs Through Exports Act of 2011,” a bill to reauthorize the Export-Import Bank of the United States.

G. Looking Ahead

1. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.
2. **FISA Amendments Act Reauthorization.** We anticipate that the Senate Select Committee on Intelligence will mark up legislation to reauthorize the FISA Amendments Act on June 5, 2012. We are hopeful that the House Permanent Select Committee on Intelligence and the House and Senate Judiciary Committees will also soon begin consideration of legislation to extend the FAA, which expires at the end of this year.
3. **National Defense Authorization Act for FY 2013.** The Senate Armed Services Committee is scheduled to begin consideration of its bill on May 23. Like the House bill, the Senate measure is expected to include a number of detainee-related provisions.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 21, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Ronald Weich
Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 25, 2012

The House is not in session this week. The Senate is in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Drug Flow Prevention in Arizona.** On Monday, May 21 at 10:00 a.m. in Phoenix, Arizona, Douglas Coleman, DEA SAC, testified before the House Homeland Security Subcommittee on Border and Maritime Security at a hearing titled "Stopping the Flow of Illicit Drugs in Arizona by Leveraging State, Local, and Federal Information Sharing."
2. **Child Protection Training.** On Wednesday, May 23 at 10:00 a.m. in Room 224 of the Dirksen Senate Office Building, Melodee Hanes, Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention, will testify before the Senate Judiciary Subcommittee on Administrative Oversight and the Courts at a hearing titled "Protecting Our Children: The Importance of Training Child Protection Professionals."

B. Hearings of interest to the Department

1. **JP Morgan Chase Loss and Financial Regulation Oversight.** On Tuesday, May 22 at 10:00 a.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold an oversight hearing on efforts to overhaul the regulation of derivatives, focusing on the SEC and the CFTC's efforts to reduce systemic risk

and improve market oversight. The session will also review the \$2 billion JPMorgan Chase trading loss, which is being investigated by the SEC and the FBI.

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Charles Massarone, to be a Commissioner on the United States Parole Commission; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; Timothy S. Hillman, D MA; Robin S. Rosenbaum, SD FL; Gershwin A. Drain, ED MI; John Thomas Fowlkes, Jr., WD TN; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT

On May 21, the Senate confirmed the nomination of Paul J. Watford, Ninth Circuit.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; Louise W. Kelton, MD TN; Patrick J. Wilkerson, ED OK; and Gary Blankinship, SD TX.

D. Markups

1. **Reauthorization of the FISA Amendments Act.** On Tuesday, May 22 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, the Senate Select Committee on Intelligence is scheduled to mark up legislation to reauthorize the FISA Amendments Act.
2. **National Defense Authorization Act for FY 2013.** On Wednesday, May 23 at 2:30 p.m., Thursday, May 24 at 9:30 a.m., and Friday, May 25 at 9:30 a.m. in Room 222 of the Russell Senate Office Building, the Senate Armed Services Committee is scheduled to mark up the Fiscal 2013 Defense Authorization bill.
3. **Senate Judiciary Committee.** On Thursday, May 24 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S.

2076, the “Local Courthouse Safety Act of 2012,” a bill to improve security at State and local courthouses and S. 2370, the “Small Business Reorganization Efficiency and Clarity Act,” a bill to make bankruptcy organization more efficient for small business debtors.

E. Briefings

1. **Economic Espionage Act.** On Monday, May 21 at 3:30 p.m., representatives from the Criminal Division participated in a phone call with staff for Senate Judiciary Chairman Leahy regarding a potential legislative “fix” to potential problems with the EEA identified by the Second Circuit Court of Appeals in *United States v. Aleynikov*.
2. **DOJ Training Guidance.** On Friday, May 25 at 10:30 a.m. in Room 224 of the Dirksen Senate Office Building, Mónica Ramírez of the Office of the Deputy Attorney General and Eric Treene of the Civil Rights Division are scheduled to brief Senate Judiciary Committee Staff on the Department’s Training Guidance.

F. Floor

The Senate is scheduled to take up S 3187, the “Food and Drug Administration Safety and Innovation Act,” a bill to amend the Federal Food, Drug, and Cosmetic Act, to revise and extend the user-fee programs for prescription drugs and medical devices, and to establish user-fee programs for generic drugs and biosimilars.

The House is in recess.

G. Looking Ahead

1. **National Defense Authorization Act for FY 2013.** With the Senate Armed Services Committee marking up the NDAA this week, the full Senate is expected to take up the measure shortly. It is as yet unclear whether detainee-related amendments will dominate the proceedings as they did during the debate on the 2012 NDAA.
2. **FISA Amendments Act.** Action begins this week in the Senate Select Committee on Intelligence. We anticipate that legislative action will begin in the House later this month with a hearing before the House Judiciary Committee.
3. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 30, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 1, 2012

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Oversight of the Civil Division, Environment and Natural Resources Division, and Tax Division.** On Thursday, May 31 at 12:00 p.m. in Room 2141 of the Rayburn House Office Building, Stuart F. Delery, Acting AAG for CIV; Ignacia S. Moreno, AAG for ENRD; and Kathryn Keneally, AAG for Tax, will testify before the House Judiciary Subcommittee on Courts, Commercial and Administrative Law at a hearing titled, "The Department of Justice – Civil, Environment and Natural Resources, and Tax Divisions."

B. Hearings of interest to the Department

1. **FISA Amendments Act.** On Thursday, May 31 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on reauthorization of the FISA Amendments Act. Witnesses are Kenneth Wainstein of Cadwalader, Wickersham and Taft, LLP; Marc Rotenberg of the Electronic Information Privacy Center (EPIC) and Jameel Jaffer of the American Civil Liberties Union (ACLU).
2. **International Internet Regulation.** On Thursday, May 31 at 10:15 a.m. in Room 2322 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Communications and Technology will hold a hearing on international proposals to regulate

the Internet, including recent proposals that will be the subject of discussion at the World Conference on International Telecommunications in Dubai this December.

3. **Permanent Residence for Cuban Nationals.** On Thursday, May 31 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing on H.R. 2831, to amend Public Law 89-732 to modify the requirement for a Cuban national to qualify for and maintain status as a permanent resident.
4. **Cyberthreats to Financial Industry.** On Friday, June 1 at 9:30 a.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Subcommittee on Capital Markets will hold a hearing on cyberthreats to capital markets and corporate accounts.
5. **Class Action Fairness Act.** On Friday, June 1 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing on the Class Action Fairness Act titled, "Class Action Seven Years After the Class Action Fairness Act."

C. **Pending Nominations**

1. Department Nominees. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Grande Lum, to be the Director of the Community Relations Service; and William Baer, to be the Assistant Attorney General for the Antitrust Division.

On May 24, the Senate confirmed Charles Massarone to be a Commissioner on the United States Parole Commission.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; Timothy S. Hillman, D MA; Robin S. Rosenbaum, SD FL; Gershwin A. Drain, ED MI; John Thomas Fowlkes, Jr., WD TN; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; and Michael P. Shea, D CT
3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; Louise W. Kelton, MD TN; Patrick J. Wilkerson, ED OK; and Gary Blankinship, SD TX.

D. Briefings

1. **Foreign Intelligence Surveillance Act (FISA)**. On Thursday, May 31 at 2:00 pm in Room 224 of the Dirksen Senate Office Building, Stuart Evans, Office of Intelligence, National Security Division, will brief members of the Senate Judiciary Committee on the Foreign Intelligence Surveillance Act.
2. **Multi-Agency Activities in Honduras**. During the week of May 29, 2012 at times and locations to be announced, the Drug Enforcement Administration (DEA) will join the Departments of State and Defense in briefing various committees on multi-agency activities in Honduras. The three Departments have been asked to brief the following Committees: Senate – Foreign Relations, Armed Services, Judiciary, Government Affairs, and the Drug Caucus; House – Foreign Affairs and Judiciary.

E. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 5651, the “Food and Drug Administration Reform Act of 2012.”
 - H.R. 3310, the “Federal Communications Commission Consolidated Reporting Act of 2012.”
 - H.R. 3541, the “Prenatal Nondiscrimination Act (PRENDA) of 2012.”
 - H.R. 5512, the “Divisional Realignment Act of 2012.”
 - H.R. 4201, “Servicemember Family Protection Act.”
 - H.R. 1299, the “Secure Border Act of 2011.”
 - H.R. 3670, the “WMD Intelligence and Information Sharing Act of 2011”
 - H.R. 915, the “Jaime Zapata Border Enforcement Security Task Force Act”
 - H.R. 3140, the “Mass Transit Intelligence Prioritization Act
 - Senate Amendment to H.R. 5740, the “National Flood Insurance Program Extension Act.”
 - H.R. 404, the “Export Promotion Reform Act.”
2. The Senate is in recess.

F. Looking Ahead

1. **FISA Amendments Act**. This week’s hearing before the House Judiciary Committee marks the beginning of the reauthorization process in the House, and we are hopeful that the committee will mark up a bill over the coming weeks.
2. **National Defense Authorization Act for FY 2013 (NDAA)**. The Senate is expected to take up the NDAA over the next several weeks. It is as yet unclear whether detainee-related

amendments will dominate the proceedings as they did during the debate on the 2012 NDAA.

3. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 4, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 8, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Prosecutorial Discovery Obligations.** On Wednesday, June 6 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Deputy Attorney General James Cole will testify before the Senate Judiciary Committee at a hearing on "Ensuring that Federal Prosecutors Meet Discovery Obligations."
2. **Oversight of the Department of Justice.** On Thursday, June 7 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the Attorney General will testify before the House Judiciary Committee at a hearing on oversight of the Department of Justice.

B. Hearings of interest to the Department

1. **Bureau of Labor Statistics.** On Wednesday, June 6 at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Governmental Reform Committee will hold a hearing on "Addressing Concerns about the Integrity of the U.S. Department of Labor's Jobs Reporting."

2. **Wall Street Reform.** On Wednesday, June 6 at 10 a.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold a hearing titled, “Implementing Wall Street Reform: Enhancing Bank Supervision and Reducing Systemic Risk.”
3. **Iraq Transition.** During the week of June 4, 2012 at times and locations to be announced, in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, “Assessment of the Transition from a Military to a Civilian-Led Mission in Iraq.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and William Baer, to be the Assistant Attorney General for the Antitrust Division.

On June 6, the Senate Judiciary Committee is scheduled to hold a hearing on the nomination of Grande Lum, to be the Director of the Community Relations Service.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Andrew Hurwitz, Ninth Circuit; Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Jeffrey J. Helmick, ND OH; Mary Geiger Lewis, D SC; Gershwin A. Drain, ED MI; Robin S. Rosenbaum, SD FL; John Thomas Fowlkes, Jr., WD TN; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; and Michael P. Shea, D CT.

On June 4, the Senate confirmed Timothy S. Hillman to be United States District Judge for the District of Massachusetts.

On June 6, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; and Lorna G. Schofield, SD NY.

On June 7, the Senate Judiciary Committee is scheduled to consider the following nominations: Robert E. Bacharach, Tenth Circuit; Paul William Grimm, D MD; John E. Dowdell, ND OK; Mark E. Walker, ND FL; and Brian J. Davis, MD FL.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; Louise W. Kelton, MD TN; Patrick J. Wilkerson, ED OK; and Gary Blankinship, SD TX.

D. Mark-ups

1. **House Judiciary.** On Wednesday, June 6 at 11:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following bills:
 - H.R. 4018, the “Public Safety Officers' Benefits Improvements Act of 2012,” a bill to improve police benefits.
 - H.R. 3668, the “Counterfeit Drug Penalty Enhancement Act of 2011,” a bill to prevent trafficking in counterfeit drugs.
 - H.R. 4223, the “Safe Doses Act,” a bill to combat medical product theft.
 - H.R. 4369, the “Furthering Asbestos Claim Transparency (FACT) Act of 2012,” a bill for the public disclosure of asbestos injury claims.
 - H.R. __, the Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012,” a bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes.
2. **Senate Judiciary.** On Thursday, June 7 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S.250, the “Justice for All Reauthorization Act.” We anticipate that the bill will be held over until the following week.

E. Briefings

1. **Multi-Agency Activities in Honduras.** During the week of June 4, 2012 at times and locations to be announced, the Drug Enforcement Administration (DEA) will join the Departments of State and Defense in briefing various committees on multi-agency activities in Honduras. The three Departments have been asked to brief the following Committees: Senate – Foreign Relations, Armed Services, Judiciary, Government Affairs, and the Drug Caucus; House – Appropriations, Foreign Affairs and Judiciary.
2. **FISA Amendments Act.** On Thursday, June 7, 2012 at 3:30 pm in Room 301 of the House Visitors Center, Lisa Monaco, Assistant Attorney General for the National Security Division, will participate in a classified briefing for members of the House Judiciary Committee on the FISA Amendments Act. Also participating will be John C. Inglis, Deputy Director of the National Security Agency, and Alex Joel, Privacy and Civil Liberties Officer, Office of the Director of National Intelligence.

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 436, the “Protect Medical Innovation Act of 2011,” a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.
 - H.R. 5855, the “Fiscal 2013 Homeland Security Appropriations”
 - H.R. 5882, the “Fiscal 2013 Legislative Branch Appropriations”
2. The Senate is scheduled to take up the following legislation:
 - S. 3220, the “Paycheck Fairness Act,” a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

G. Looking Ahead

1. **FISA Amendments Act.** We anticipate that both the House Judiciary Committee and the House Permanent Select Committee on Intelligence will take up legislation to reauthorize the FISA Amendments Act during the coming weeks.
2. **National Defense Authorization Act for FY 2013 (NDAA).** The Senate is expected to take up the NDAA over the next several weeks. It is as yet unclear whether detainee-related amendments will dominate the proceedings as they did during the debate on the 2012 NDAA.
3. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 11, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 15, 2012

The House is not in session this week. The Senate is in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Oversight of the Department of Justice.** On Tuesday, June 12 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Attorney General Eric H. Holder, Jr. will testify before the Senate Judiciary Committee.

B. Hearings of interest to the Department

1. **Employment Non-Discrimination Act.** On Tuesday, June 12 at 10:00 a.m. in Room 106 of the Dirksen Senate Office Building, the Senate Health, Education, Labor and Pensions Committee will hold a hearing on S. 811, the Employment Non-Discrimination Act.
2. **J.P. Morgan Chase Trading Loss.** On Wednesday, June 13 at 10:00 a.m. in Room G-50 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold a hearing on efforts to reform the regulation of derivatives and a review of the \$2 billion J.P. Morgan Chase trading loss.

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and William Baer, to be the Assistant Attorney General for the Antitrust Division.

On June 6, the Senate Judiciary Committee held a hearing on the nomination of Grande Lum, to be the Director of the Community Relations Service.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Mary Geiger Lewis, D SC; Gershwin A. Drain, ED MI; Robin S. Rosenbaum, SD FL; John Thomas Fowlkes, Jr., WD TN; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; John E. Dowdell, ND OK; and Mark E. Walker, ND FL.

On June 6, the Senate Judiciary Committee held a hearing on the following nominations: Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; and Lorna G. Schofield, SD NY. Also on June 6th, the Senate confirmed Jeffrey J. Helmick, ND OH.

On June 11, the Senate debated and then proceeded to vote on the motion to invoke cloture on the nomination of Andrew David Hurwitz, Ninth Circuit. Cloture was invoked, but a vote on the nomination has not yet occurred.

3. **U.S. Attorneys.** The following individuals have been nominated by the President to serve as United States Attorneys, and their nominations are pending in the Senate Judiciary Committee: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Jamie A. Hainsworth, D RI; Louise W. Kelton, MD TN; Patrick J. Wilkerson, ED OK; and Gary Blankinship, SD TX.

D. Mark-ups

1. **Senate Judiciary Committee.** On Thursday, June 14 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is scheduled to mark up S. 250, the “Justice for All Reauthorization Act.”

E. Briefings

1. **Senate Caucus on International Narcotics Control.** On Wednesday, June 13 at a time and location yet to be determined, officials from the Office of the Deputy Attorney General, the Office of Justice Programs, the Drug Enforcement Agency, and the U.S. Marshals Service will provide a staff briefing to the Senate Caucus on International Narcotics Control concerning the Department's ongoing Drug Endangered Children initiative (DEC).

F. Floor

1. The Senate is scheduled to take up the following legislation:
 - S. 3240, the "Agriculture Reform, Food and Jobs Act of 2012," a bill to reauthorize agricultural programs through 2017 and for other purposes.

G. Looking Ahead

1. **FISA Amendments Act.** On June 7, the Senate Select Committee on Intelligence reported S. 3276, the FISA Sunsets Extension Act of 2012, which would reauthorize the FISA Amendments Act through June 1, 2017. We anticipate that the Senate Judiciary Committee will seek a referral of the bill and may mark it up in late June. Both the House Judiciary Committee and the House Permanent Select Committee on Intelligence are expected to take up similar legislation in the coming weeks.
2. **National Defense Authorization Act for FY 2013 (NDAA).** The Senate may take up the NDAA within the next several weeks. It is as yet unclear whether detainee-related amendments will dominate the proceedings as they did during the debate on the 2012 NDAA.
3. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 18, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 22, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Solitary Confinement.** On Tuesday, June 19 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Charles E. Samuels, Jr., Director of the Federal Bureau of Prisons, will testify before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights in a hearing titled, "Reassessing Solitary Confinement: The Human Rights, Fiscal and Public Safety Consequences."
2. **Oversight of the Drug Enforcement Administration.** On Wednesday, June 20 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Michele M. Leonhart, Administrator of the Drug Enforcement Administration, will testify before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security.
3. **FISA Amendments Act Reauthorization.** On Thursday, June 21 at 9:00 a.m. in Room 304 of the House Visitors Center (HVC), Lisa Monaco, Assistant Attorney General for National Security, will testify in a closed hearing before the House Permanent Select Committee on Intelligence. Also testifying will be Robert Litt, General Counsel, Office of the Director of National Intelligence, and John C. Inglis, Deputy Director, National Security Agency.

4. **Olmstead Enforcement.** On Thursday, June 21 at 10:00 a.m. in Room 430 of the Dirksen Senate Office Building, Thomas E. Perez, Assistant Attorney General for Civil Rights, will testify before the Senate Committee on Health, Education, Labor and Pensions in hearing titled, “Olmstead Enforcement Update: Using the ADA to Promote Community Integration.”

B. Hearings of interest to the Department

1. **Title IX Gender Equity.** On Tuesday June 19, at 10:00 a.m. in Room 430 of the Dirksen Senate Office Building, the Senate Health, Education, Labor and Pensions Committee will hold a hearing titled, “Forty Years and Counting: The Triumphs of Title IX.”
2. **Veterans Economic Opportunity Bills.** On Thursday, June 21 at 10:00 a.m. the Veterans’ Affairs Subcommittee on Economic Opportunity will hold a hearing on pending legislation, including H.R. 5747, the “Military Family Home Protection Act,” a bill to amend the Servicemembers Civil Relief Act.
3. **Universal Music/EMI Merger.** On Thursday, June 21 at 1:30 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights, will hold a hearing titled, “Universal Music/EMI Merger and the Future of Online Music.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and William Baer, to be the Assistant Attorney General for the Antitrust Division.

On June 21, the Senate Judiciary Committee is expected to consider the nomination of Grande Lum, to be the Director of the Community Relations Service.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gershwin A. Drain, ED MI; Robin S. Rosenbaum, SD FL; John Thomas Fowlkes, Jr., WD TN; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; and John E. Dowdell, ND OK;.

On June 12, the Senate voted to confirm the nomination of Andrew David Hurwitz, Ninth Circuit. On June 18, the Senate voted to confirm Mary Geiger Lewis, D SC.

On June 21, the Senate Judiciary Committee is scheduled to consider the nomination of Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; and Lorna G. Schofield, SD NY.

3. **U.S. Attorneys.** On June 21, the Senate Judiciary Committee is expected to consider the following nominations: John S. Leonardo, D AZ; Patrick A. Miles, Jr., WD MI; and Danny Chappelle Williams, Sr., ND OK.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN and Gary Blankinship, SD TX.

On June 21, the Senate Judiciary Committee is expected to consider the nomination of Jamie A. Hainsworth, D RI.

D. Mark-ups

1. **House Judiciary.** On Tuesday, June 19 at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following bill:
 - H.R. 5949, the “FISA Amendments Act Reauthorization Act of 2012,” a bill to extend the FISA Amendments Act of 2008 for five years.
2. **Senate Judiciary.** On Thursday, June 21 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 250, the “Justice for All Reauthorization Act,” a bill to reauthorize and amend the Justice for All Act of 2004.
 - S. 1744, the “Guardian Accountability and Senior Protection Act,” a bill to enhance safeguards relating to adult guardianship.

E. Briefings

1. **High-Value Interrogation Group Update.** On Monday, June 18 at 1:30 p.m., George Piro, Director of the Federal Bureau of Investigation’s High-Value Interrogation Group will participate in a staff briefing for the Senate Select Committee on Intelligence.
2. **FBI Director Roundtable.** On Thursday, June 21 at 9:00 a.m., Robert S. Mueller, III, Director of the Federal Bureau of Investigation, will participate in a staff briefing with the House Permanent Select Committee in Intelligence.
3. **Combating Human Trafficking.** On Thursday, June 21 at 9:30 a.m. in Room 122 of the Cannon House Office Building, Paul Almanza, National Coordinator for Child Exploitation Prevention and Interdiction (ODAG), will participate in a briefing for the

Congressional Caucus for Women's Issues' Task Force on Trafficking to provide an overview of the Department's efforts to combat child exploitation.

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 3668, the "Counterfeit Drug Penalty Enhancement Act of 2012," a bill to establish a new federal crime for trafficking in counterfeit drugs.
 - H.R. 4480, the "The Strategic Energy Production Act of 2012," a bill related to the development of oil and gas on federal lands.
 - H.R. 4348, the "Surface Transportation Extension Act of 2012," a bill to provide an extension of various programs funded out of the Highway Trust Fund.
2. The Senate is scheduled to take up the following legislation:
 - S. 3240, the "Agriculture Reform, Food and Jobs Act of 2012," a bill to reauthorize agricultural programs through 2017 and for other purposes.
 - S. 1940, the "Flood Insurance Reform and Modernization Act of 2011," a bill to amend the National Flood Insurance Act of 1968.

G. Looking Ahead

1. **FISA Amendments Act.** The Intelligence and Judiciary Committees in both the House and the Senate are working to reauthorize the FISA Amendments Act of 2008 (FAA). On June 7, the Senate Select Committee on Intelligence reported S. 3276, the FISA Sunsets Extension Act of 2012, which would reauthorize the FAA through June 1, 2017. We anticipate that the Senate Judiciary Committee will request a referral of the bill and may mark it up in late June. On June 19, as noted above, the House Judiciary Committee will mark up H.R. 5949, which would reauthorize the FAA through December 31, 2012. On June 21, the House Permanent Select Committee on Intelligence will hold a closed hearing on FAA reauthorization.
2. **National Defense Authorization Act for FY 2013 (NDAA).** The Senate may take up the NDAA within the next several weeks. It is as yet unclear whether detainee-related amendments will dominate the proceedings as they did during the debate on the 2012 NDAA.
3. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 25, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 29, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Economic Espionage.** On Thursday, June 28 at 10:00 a.m. in Room 311 of the Cannon House Office Building, C. Frank Figliuzzi, Assistant Director of Counterintelligence for the FBI, will testify before the House Homeland Security Subcommittee on Counterterrorism and Intelligence in a hearing titled, "Economic Espionage: A Foreign Intelligence Threat to American Jobs and Homeland Security."
2. **Federal Prison Industries.** On Thursday, June 28 at 10:00 a.m. in Room 2360 of the Rayburn House Office Building, Philip Sibal, Senior Deputy Assistant Director for the Federal Bureau of Prisons, will testify before the House Small Business Subcommittee on Contracting and the Workforce, in a hearing titled, "Unlocking Opportunities: Recidivism versus Fair Competition in Federal Contracting."

B. Hearings of interest to the Department

1. **Election Safeguards.** On Tuesday, June 26 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled,

“Prohibiting the Use of Deceptive Practices and Voter Intimidation Tactics in Federal Elections.”

2. **Intellectual Property Enforcement.** On Wednesday, June 27 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition, and the Internet will hold a hearing titled, “International IP Enforcement: Protecting Patents, Trade Secrets and Market Access.”
3. **Compliance with the Americans With Disabilities Act.** On Wednesday, June 27 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing titled, “ACCESS [Americans With Disabilities Compliance for Customer Entry to Stores and Services] Act.”
4. **Identity Theft and Tax Fraud.** On Thursday, June 28 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security will hold a hearing on “Identity Theft and Income Tax Preparation Fraud.”

C. **Pending Nominations**

1. **Department Nominees.** The nomination of Grande Lum, to be the Director of the Community Relations Service, is pending on the Senate Executive Calendar. In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gershwin A. Drain, ED MI; John Thomas Fowlkes, Jr., WD TN; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL.

On June 26, the Senate is scheduled to vote on the nomination of Robin S. Rosenbaum, SD FL.

On June 27, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Malachy Edward Mannion, MD PA; and Matthew W. Brann, MD PA.

On June 28, the Senate Judiciary Committee is scheduled to consider the following nominations: Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; and Lorna G. Schofield, SD NY.

3. **U.S. Attorneys.** The following nominations are pending on the Senate Executive Calendar: John S. Leonardo, D AZ; and Patrick A. Miles, Jr., WD MI.

On June 28, the Senate Judiciary Committee is expected to consider the nomination of Danny Chappelle Williams, Sr., ND OK.

4. **U.S. Marshals.** The nomination of Jamie A. Hainsworth, D RI, is pending on the Senate Executive Calendar. In addition, the following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN and Gary Blankinship, SD TX.

D. Mark-ups

1. **Senate Homeland Security and Governmental Affairs.** On Wednesday, June 27 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Committee on Homeland Security and Governmental Affairs will mark up the following legislation:
 - S. 2234, the “End Trafficking in Government Contracting Act of 2012,” a bill to prevent human trafficking in government contracting.
 - H.R. 915, the “Jaime Zapata Border Enforcement Security Task Force Act,” a bill to enhance border security.
2. **House Permanent Select Committee on Intelligence.** On Thursday, June 28 at 10:00 a.m. in Room 304 of the House Visitors Center, The House Permanent Select Committee on Intelligence will mark up the following legislation:
 - H.R. 5949, the “FISA Amendments Act Reauthorization Act of 2012,” a bill to extend the FISA Amendments Act of 2008 for five years.
3. **House Judiciary.** On Thursday, June 28 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 1860, the “Digital Goods and Services Tax Fairness Act of 2011,” a bill to modify the taxation of digital goods and services.
4. **Senate Judiciary.** On Thursday, June 28 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 1744, the “Guardian Accountability and Senior Protection Act,” a bill to enhance safeguards relating to adult guardianship.

E. Briefings

1. **FISA Amendments Act Reauthorization.** On Tuesday, June 26 at 3:00 p.m. in Room 217 of the Senate Visitors Center, Lisa Monaco, Assistant Attorney General for the National Security Division, will provide a closed briefing to members of the Senate

Judiciary Committee on the FISA Amendments Act Reauthorization. Also participating will be Robert Litt, General Counsel, Office of the Director of National Intelligence, and John C. Inglis, Deputy Director, National Security Agency.

1. **Gangs Legislation.** On Friday, June 29, at a time yet to be determined, representatives from the Criminal Division will provide a phone briefing for staff from the offices of Senator Feinstein and Senator Hatch on the Department's efforts to combat violent gangs.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 5889, the "Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012," a bill to provide for protection of maritime navigation and prevention of nuclear terrorism.
 - H.R. 4223, the "SAFE DOSES Act," a bill to establish new federal crimes relating to the theft of medical products.

In addition, the House is expected to consider a resolution finding the Attorney General in contempt of Congress for failing to comply with a congressional subpoena.

2. The Senate is scheduled to take up the following legislation:
 - S. 1940, the "Flood Insurance Reform and Modernization Act of 2011," a bill to amend the National Flood Insurance Act of 1968.
 - S. 3187, the "Food and Drug Administration Safety and Innovation Act," a bill to amend the Federal Food, Drug, and Cosmetic Act to revise the user-fee programs.

G. Looking Ahead

1. **FISA Amendments Act.** The Intelligence and Judiciary Committees in both the House and the Senate are working to reauthorize the FISA Amendments Act of 2008 (FAA). On June 7, the Senate Select Committee on Intelligence reported S. 3276, the FISA Sunsets Extension Act of 2012, which would reauthorize the FAA through June 1, 2017. We anticipate that the Senate Judiciary Committee will request a referral of the bill and may mark it up in late June. On June 19, the House Judiciary Committee reported H.R. 5949, which would reauthorize the FAA through December 31, 2012. As noted above, the House Permanent Select Committee on Intelligence will mark up the bill on June 27.
2. **National Defense Authorization Act for FY 2013 (NDAA).** The Senate may take up the NDAA within the next several weeks. It is as yet unclear whether detainee-related amendments will dominate the proceedings as they did during the debate on the 2012 NDAA.

3. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 10, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 13, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Standard-Essential Patents.** On Wednesday, July 11 at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, Joseph Wayland, Acting Assistant Attorney General for Antitrust, will testify before the Senate Judiciary Committee in a hearing titled, "Oversight of the Impact on Competition of Exclusion Orders to Enforce Standard-Essential Patents."
2. **Convention on the Rights of Persons with Disabilities.** On Thursday, July 12 at 9:00 a.m. in Room G50 of the Dirksen Senate Office Building, Eve Hill, Senior Counselor to the Assistant Attorney General for Civil Rights, will testify before the Senate Foreign Relations Committee in a hearing titled, "Convention on the Rights of Persons with Disabilities."

B. Hearings of interest to the Department

1. **Effects of the Dodd-Frank Act.** On Tuesday, July 10 at 3:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing titled, "The Dodd-Frank Act's Effects on Financial Services Competition."

2. **National Security Leaks.** On Wednesday, July 11 at 10:00 a.m. in Room 2141 of the Rayburn house Office Building, the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security will hold a hearing titled, “National Security Leaks and the Law.”
3. **Regulatory Review.** On Thursday, July 12 at 9:30 a.m. in Room 2141 of the Rayburn house Office Building, the House Judiciary Subcommittee on Courts, Commercial and Administrative Law will hold a hearing titled, “Clearing the Way for Jobs and Growth: Retrospective Review to Reduce Red Tape Regulations.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and William Baer, to be the Assistant Attorney General for the Antitrust Division.

On June 29, the Senate confirmed the nomination of Grande Lum, to be the Director of the Community Relations Service.

2. **Judicial Nominees.** The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gershwin A. Drain, ED MI; Kevin McNulty, D NJ; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL.

On July 10, the Senate is scheduled to vote on the nomination of John Thomas Fowlkes, Jr., WD TN.

On July 11, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Thomas M. Durkin, ND IL; Jon S. Tigar, ND CA; and William H. Orrick, III, ND CA.

On July 12, the Senate Judiciary Committee is scheduled to consider the following nominations: Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Lorna G. Schofield, SD NY; Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Malachy Edward Mannion, MD PA; and Matthew W. Brann, MD PA.

3. **U.S. Attorneys.**

On June 29, the Senate confirmed the following nominations: John S. Leonardo, D AZ; and Patrick A. Miles, Jr., WD MI.

On July 12, the Senate Judiciary Committee is expected to consider the nomination of Danny Chappelle Williams, Sr., ND OK.

4. **U.S. Marshals.** In addition, the following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN and Gary Blankinship, SD TX.

On June 29, the Senate confirmed the nomination of Jamie A. Hainsworth, D RI.

D. Mark-ups

1. **House Judiciary.** On Tuesday, July 10 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 3796, the “Adam Walsh Reauthorization Act of 2012,” a bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.
 - H.R. 4362, the “Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012,” a bill to address criminal prosecutions for certain identity thefts, and for other purposes.
 - H.R. 6063, the “Child Protection Act of 2012,” a bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.
 - H.R. 6029, the “Foreign and Economic Espionage Penalty Enhancement Act of 2012,” a bill to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.
 - H.R. 6062, the “Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012,” a bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.
 - H.R. 3803, a bill to prohibit doctors in the District of Columbia from performing abortions after the 20th week of pregnancy.
2. **Senate Judiciary.** On Thursday, July 12 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up S. 1744, the “Guardian Accountability and Senior Protection Act,” a bill to enhance safeguards relating to adult guardianship. The Committee also may mark up S. 3276, the “FISA Sunsets Extension Act of 2012,” a bill to reauthorize the FISA Amendments Act of 2008 (see “Looking Ahead,” below).

E. Briefings

1. **Convention on the Rights of Persons with Disabilities.** On Tuesday, July 10 at 2:15 p.m. in Room 419 of the Dirksen Senate Office Building, the Department of Justice and the Department of State will provide a briefing for the Majority staff on the Senate

Foreign Relations Committee regarding the Convention on the Rights of Persons with Disabilities and the upcoming hearing on the treaty.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 6019, the “Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2012,” a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to address occurrences of bullying and to reauthorize the Juvenile Accountability Block Grants program.

The House is also expected to debate and vote on a bill to repeal the Patient Protection and Affordable Care Act.

2. The Senate is scheduled to take up the following legislation:
 - S. 2237, the “Small Business Jobs and Tax Relief Act,” a bill to provide a temporary income tax credit for increased payroll.

G. Looking Ahead

1. **FISA Amendments Act.** The Intelligence and Judiciary Committees in both the House and the Senate are working to reauthorize the FISA Amendments Act of 2008 (FAA). The intelligence committees have reported legislation to reauthorize the FAA through June 1, 2017, and the House Judiciary Committee has reported legislation to reauthorize the FAA through December 31, 2017. The Senate Judiciary Committee is expected to mark up the Senate Intelligence Committee bill within the next two weeks.
2. **National Defense Authorization Act for FY 2013 (NDAA).** The Senate may take up the NDAA before the August recess. It is as yet unclear whether detainee-related amendments will dominate the proceedings as they did during the debate on the 2012 NDAA.
3. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when the Senate cybersecurity legislation will come to the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 16, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 20, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Facial Recognition Technology.** On Wednesday, July 18 at 2:30 a.m. in Room 226 of the Dirksen Senate Office Building, Jerome M. Pender, Deputy Assistant Director for the FBI's Criminal Justice Information Services, will testify before the Senate Judiciary Subcommittee on Privacy, Technology and the Law in a hearing titled, "What Facial Recognition Technology Means for Privacy and Civil Liberties."
2. **Prescription Drug Abuse.** On Wednesday, July 18 at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building, Joseph T. Rannazzisi, Deputy Assistant Administrator for the Drug Enforcement Agency, will testify before the Senate Caucus on International Narcotics Control in a hearing titled, "Responding to the Prescription Drug Abuse Epidemic."

B. Hearings of interest to the Department

1. **U.S. Financial System Vulnerabilities.** On Tuesday, July 17 at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building, the Homeland Security and Governmental Affairs Subcommittee on Permanent Investigations will hold a hearing titled, "U.S.

Vulnerabilities to Money Laundering, Drugs, and Terrorist Financing: HSBC Case History.”

2. **Forensic Science.** On Wednesday, July 18 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, “Improving Forensic Science in the Criminal Justice System.”
3. **International Trade Commission and Patent Disputes.** On Wednesday, July 18 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing titled, “The International Trade Commission and Patent Disputes.”
4. **Impact of National Security Leaks on Military Operations.** On Thursday, July 19 at 10:00 a.m. in Room 2118 of the Rayburn House Office Building, the House Armed Services Committee will hold a hearing titled, “Disclosures of National Security Information and Impact on Military Operations.”
5. **Court Decision on Bankruptcy.** On Friday, July 20 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the Judiciary Subcommittee on Courts Commercial and Administrative Law will hold a hearing titled, “The Supreme Court’s Decision in *Stern V. Marshall*: Its Effects on Bankruptcy Administration and Possible Congressional Responses.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and William Baer, to be the Assistant Attorney General for the Antitrust Division.
2. **Judicial Nominees.** The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gershwin A. Drain, ED MI; Michael A. Shipp, D NJ; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; and Lorna G. Schofield, SD NY

On July, 16 the Senate voted to confirm Kevin McNulty, D NJ.

On July 19, the Senate Judiciary Committee is scheduled to consider the following nominations: Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Malachy Edward Mannion, MD PA; and Matthew W. Brann, MD PA.

3. **U.S. Attorneys.**

The nomination of Danny Chappelle Williams, Sr., ND OK, is pending on the Senate Executive Calendar. Angela Tammy Dickenson has been nominated to serve as U. S. Attorney, WD MO, and her nomination is pending in the Senate Judiciary Committee.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshal, and their nominations are pending in the Senate Judiciary Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN and Gary Blankinship, SD TX.

D. Mark-ups

1. **House Judiciary.** On Wednesday, July 18 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 3796, the “Adam Walsh Reauthorization Act of 2012,” a bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.
 - H.R. 6062, the “Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012,” a bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.
 - H.R. 3803, a bill to prohibit doctors in the District of Columbia from performing abortions after the 20th week of pregnancy.
2. **Senate Judiciary.** On Thursday, July 19 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up S. 3276, the “FISA Sunsets Extension Act of 2012,” a bill to reauthorize the FISA Amendments Act of 2008.
3. **Senate Foreign Relations.** On Thursday, July 19 at 9:00 a.m. in Room 419 of the Dirksen Senate Office Building, the Senate Foreign Relations Committee will meet to vote on Treat Doc 112-7 – the “Convention on the Rights of Persons with Disabilities.”

E. Briefings

1. **Drug Enforcement Agency in Honduras.** On Wednesday, July 18 at 3:00 p.m. in an undisclosed location, representatives from the Drug Enforcement Agency will provide a briefing for senior staff of the Senate Judiciary Committee regarding the DEA activities in Honduras.
2. **Federal Prison Industries.** On Thursday, July 19 at 9:30 a.m. in Room 1520 of the Longworth House Office Building, representatives from the Bureau of Prisons will provide a briefing for Congresswoman Chu regarding Federal Prison Industries.
3. **Ali Mussa Daqduq.** On Friday, July 20, at times and locations yet to be determined, the Department will participate in consecutive interagency staff briefings for Senate and

House leadership, the Armed Services Committees, the Judiciary Committees, the Senate Foreign Relations Committee and the House Foreign Affairs Committee regarding Ali Mussa Daquduq.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - S. 1959, the “Haqqani Network Terrorist Designation Act of 2011,” a bill to require a report on the designation of the Haqqani Network as a foreign terrorist organization.
 - H.R. 6018, the “Foreign Relations Authorization Act, Fiscal Year 2013,” a bill to reauthorize appropriations for the Department of State for the fiscal year 2013.
 - S. 2165, the “United States-Israel Enhanced Security Cooperation Act of 2012,” a bill to further the strategic cooperation between the United States and Israel.
2. The Senate is scheduled to take up the following legislation:
 - S. 2219, the “Democracy is Strengthened by Casting Light on Spending in Elections Act of 2012,” a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements.

G. Looking Ahead

1. **FISA Amendments Act.** Once the Senate Judiciary Committee completes its markup this Thursday, all four committees of jurisdiction will have approved legislation to reauthorize the FISA Amendments Act of 2008 (FAA). Passage in the House appears assured, although it is uncertain how quickly House leadership will bring the measure to the floor. Senate passage will be more complicated procedurally: Sen. Wyden has placed a hold on the bill, and we anticipate potential floor amendments as well.
2. **National Defense Authorization Act for FY 2013 (NDAA).** It is possible but unlikely that the Senate will take up the NDAA before the August recess. It is as yet unclear to what extent detainee-related amendments will dominate the proceedings, as they did during the debate on the 2012 NDAA.
3. **Cybersecurity.** The House has passed a number of cybersecurity bills, including H.R. 3523, the Cyber Intelligence Sharing and Protection Act, which faces a veto threat. It remains uncertain when Senate cybersecurity legislation will come to the floor, but the Majority Leader still hopes to call up the Lieberman-Collins bill before the August recess.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 23, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 27, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Oversight of the Civil Rights Division.** On Thursday, July 26 at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, will testify before the House Judiciary Subcommittee on the Constitution in a hearing titled, "Oversight of the U.S. Department of Justice Civil Rights Division."

B. Hearings of interest to the Department

1. **Resurgence of Methamphetamine Production:** On Tuesday, July 24 at 9:30 a.m. in Room 2247 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on Health Care, District of Columbia, Census, and the National Archives will hold a hearing titled, "Meth Revisited: Review of State and Federal Efforts to Solve the Domestic Methamphetamine Production Resurgence." The Department will submit a written statement for the record.
2. **Gang Threat.** On Wednesday, July 25 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime Terrorism, and

Homeland Security will hold a hearing titled, “Beyond the Streets: America’s Evolving Gang Threat.” The Department will submit a written statement for the record.

3. **Immigration Attorney Fraud.** On Tuesday, July 24 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration Policy and Enforcement will hold a hearing titled, “The Aftermath of Fraud by Immigration Attorneys.”
4. **Citizens United and Super PACs.** On Tuesday, July 24 at 2:30 p.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights will hold a hearing on the impact of Citizens United and Super PACs.
5. **Judicial Independence.** On Wednesday, July 25 at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, “Ensuring Judicial Independence Through Civics Education.” The witnesses will include retired Associate Justice Sandra Day O’Connor.
6. **Cloud Computing.** On Wednesday, July 25 at 12:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition, and the Internet will hold a hearing titled, “Cloud Computing: An Overview of the Technology and the Issues facing American Innovators.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

On July 26, the Senate Judiciary Committee will hold a hearing on the nomination of William Joseph Baer to be the Assistant Attorney General for the Antitrust Division.

Judicial Nominees. The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gershwin A. Drain, ED MI; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Lorna G. Schofield, SD NY; Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Malachy Edward Mannion, MD PA; and Matthew W. Brann, MD PA.

On July 23, the Senate voted to confirm Michael A. Shipp, D NJ.

2. **U.S. Attorneys.** The nomination of Danny Chappelle Williams, Sr., ND OK, is pending on the Senate Executive Calendar. Angela Tammy Dickenson has been nominated to serve as U. S. Attorney, WD MO, and her nomination is pending in the Senate Judiciary Committee.
3. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN; and Gary Blankinship, SD TX.

D. Mark-ups

1. **Senate Select Intelligence Committee.** On Tuesday, July 24 at 4:45 p.m. in Room 219 of the Hart Senate Office Building, the Senate Select Intelligence Committee will hold a closed hearing to mark up the “Intelligence Authorization Act for Fiscal Year 2013.” The bill is expected to include a number of provisions intended to address the issue of disclosures of classified information.
2. **Senate Foreign Relations.** On Thursday, July 26 at 9:30 a.m. in Room G-50 of the Dirksen Senate Office Building, the Senate Foreign Relations Committee will meet to vote on Treaty Doc. 112-7, the “Convention on the Rights of Persons with Disabilities,” on which the Department recently testified.
3. **Senate Judiciary.** On Thursday, July 26 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 225, the “Access to Information About Missing Children Act of 2011,” a bill to permit the disclosure of certain information for the purpose of missing child investigations.
 - S.J. Res. 44, a joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

E. Briefings

1. **Conviction of Pratt & Whitney Canada Corporation.** On Tuesday, July 24 at 9:30 a.m. in Room 228 of the Russell Senate Office Building, representatives from the Department of Justice along with representatives from the Department of State will hold a briefing for the Senate Armed Services Committee on the criminal prosecution and conviction of the Pratt & Whitney Canada Corporation and the related deferred prosecution agreement with United Technologies Corporation.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:

- H.R. 459, the “Federal Reserve Transparency Act of 2011,” a bill to require an audit of the Board of Governors of the Federal Reserve System and for other purposes.
- H.R. 4157, the “Preserving America’s Family Farms Act,” a bill to prevent the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.
- H.R. 5986, a bill to amend the African Growth and Opportunity Act.

The House is also scheduled to take up the following legislation subject to a rule:

- H.R. 4078, the “Regulatory Freeze for Jobs Act of 2012,” a bill to prohibit any agency from taking significant regulatory action until the unemployment rate is equal to or less than 6 percent.

2. The Senate is scheduled to take up the following legislation:

- S. 3393, the “Middle Class Tax Cut Act,” a bill to amend the Internal Revenue Code to provide tax relief to middle-class families.
- S. 3414, the “Revised Cybersecurity Act of 2012,” a bill to enhance U.S. cyber and communications infrastructure.

G. Looking Ahead

1. **Cybersecurity.** As noted above, this week, the Senate Majority Leader will seek to bring to the floor a revised version of the Lieberman-Collins bill to create security standards for critical digital infrastructure. The full Senate will begin debate on the measure if proponents are able to muster 60 votes for the motion to proceed.
2. **FISA Amendments Act.** All four committees of jurisdiction have now approved legislation to reauthorize the FISA Amendments Act of 2008 (FAA). Passage in the House appears assured, although it is uncertain how quickly House leadership will bring the measure to the floor. Senate passage will be more complicated procedurally: Sen. Wyden has placed a hold on the bill, and we anticipate potential floor amendments as well.
3. **National Defense Authorization Act for FY 2013 (NDAA).** It appears increasingly unlikely that the Senate will take up the NDAA before the August recess. Once the bill reaches the floor, it is unclear to what extent detainee-related amendments will dominate the proceedings, as they did during the debate on the 2012 NDAA.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 30, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending August 3rd, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Fort Hood Report.** On Wednesday, August 1 at 10:00 a.m. in Room H-140 of the Capitol, Mark Giuliano, Executive Assistant Director for the National Security Branch of the FBI, will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies in a hearing titled, "Final Report of the William H. Webster Commission on the FBI, Counterterrorism Intelligence, and the Events at Fort Hood, Texas on November 5, 2009."

B. Hearings of interest to the Department

1. **Rising Prison Costs.** On Wednesday, August 1 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, "Rising Prison Costs: Restricting Budgets and Crime Prevention Options." The Department will submit a written statement for the record.
2. **Federal Privacy and Data Security Law.** On Tuesday, July 31 at 10:00 a.m. in Room 628 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the

Federal Workforce and the District of Columbia will hold a hearing titled, “State of Federal Privacy and Data Security Law: Lagging Behind the Times?”

3. **English as Official Language.** On Thursday, August 2 at 10:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution will hold a hearing titled, “English Language Unity Act of 2011.”
4. **Oversight of Indian Lands.** On Thursday, August 2 at 2:00 p.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Subcommittee on Indian and Alaska Native Affairs will hold a hearing titled, “Indian lands: exploring resolutions to disputes concerning Indian tribes, state and local governments, and private landowners over land use and development.”

C. **Pending Nominations**

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

On July 26, the Senate Judiciary Committee held a hearing on the nomination of William Joseph Baer to be the Assistant Attorney General for the Antitrust Division.

2. **Judicial Nominees.** The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Gershwin A. Drain, ED MI; Stephanie Marie Rose, SD IA; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Lorna G. Schofield, SD NY; Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Malachy Edward Mannion, MD PA; and Matthew W. Brann, MD PA.

On July 30, the Senate failed to invoke cloture on the nomination of Robert E. Bacharach, Tenth Circuit.

On August 2, the Senate Judiciary Committee is scheduled to consider the following nominations: Thomas M. Durkin, ND of IL; Jon S. Tigar, ND CA; and William H. Orrick, III, ND CA.

3. **U.S. Attorneys.** The nomination of Danny Chappelle Williams, Sr., ND OK, is pending on the Senate Executive Calendar. Angela Tammy Dickenson has been nominated to serve as U. S. Attorney, WD MO, and her nomination is pending in the Senate Judiciary Committee.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary

Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN; and Gary Blankinship, SD TX.

D. Mark-ups

1. **House Judiciary.** On Wednesday, August 1 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 6215, a bill to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.
 - H.R. 6189, the “Reporting Efficiency Improvement Act,” a bill to eliminate certain reporting requirements for unfunded programs under the Office of Justice Programs.
 - H.R. 4305, the “Child and Elderly Missing Alert Program,” a bill to authorize the Attorney General to provide a grant to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing individuals.
 - H.R. 6185, a bill to improve security at State and local courthouses.
 - H.R. 2800, the “Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2011,” a bill to reauthorize the Missing Alzheimer’s Disease Patient Alert Program.
 - H.R. 1775, the “Stolen Valor Act of 2011,” a bill to establish a criminal offense relating to fraudulent claims about military service.
2. **Senate Judiciary.** On Thursday, August 2 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 225, the “Access to Information About Missing Children Act of 2011,” a bill to permit the disclosure of certain information for the purpose of missing child investigations.
 - S.J. Res. 44, a joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

E. Briefings

1. **SWATing.** On Thursday, August 2 at 2:45 p.m. in Room 416 of the Russell Senate Office Building, representatives from the Criminal Division and the FBI will provide a briefing for staff from the office of Senator Saxby Chambliss on efforts to combat “SWATing,” the practice of falsely reporting a violent crime in progress in order to provoke an emergency response to a victim’s residence.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:

- S. 679, a bill to reduce the number of executive nominations subject to Senate confirmation.
- H.R. 3803, a bill to prohibit doctors in the District of Columbia from performing abortions after the 20th week of pregnancy.
- H.R. 3120, the “Student Visa Reform Act,” a bill to require accreditation for certain educational institutions for purposes of a nonimmigrant student visa.
- H.R. 6029, the “Foreign and Economic Espionage Penalty Enhancement Act of 2012,” a bill to provide increased penalties for foreign and economic espionage.
- H.R. 6063, the “Child Protection Act of 2012,” a bill regarding child pornography and child exploitation offenses.
- H.R. 4362, the “Stopping Tax Offenders and Prosecuting Identity Theft Act of 2012,” a bill to provide criminal prosecutions for certain identity thefts.
- H.R. 3796, the “Adam Walsh Reauthorization Act of 2012,” a bill to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.
- H.R. 6062, the “Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012,” a bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.
- H.R. 1550, the “Federal Law Enforcement Recruitment and Retention Act of 2011,” a bill to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crimes.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 8, a bill to extend certain tax relief provisions enacted in 2001 and 2003.
- H.R. 6169, a bill to provide for expedited consideration of a comprehensive tax reform bill.
- A bill to provide a one-year extension of the Food, Conservation, and Energy Act of 2008, with certain modifications and exceptions, to make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, the “farm bill.”

2. The Senate has begun consideration of S. 3414, the “Revised Cybersecurity Act of 2012,” a bill to enhance U.S. cyber and communications infrastructure.

G. Looking Ahead

1. **Cybersecurity.** As noted above, the Senate is considering S. 3414, a revised version of the Lieberman-Collins bill to create security standards for critical digital infrastructure. Numerous amendments have been filed, and the debate is expected to occupy much of the balance of the week as negotiations continue in the effort to arrive at a bill that can command substantial support.

2. **Intelligence Authorization for Fiscal Year 2013.** On Monday, July 30, the Senate Select Committee on Intelligence is expected to file the bill it reported last week to authorize appropriations for intelligence and intelligence-related activities for FY 2013. Chairman Feinstein has indicated that she intends to “hotline” the bill in hopes of having the Senate pass the bill before the August recess. The Department had previously reviewed the provisions concerning unauthorized disclosures of classified information, but is still analyzing the other portions of the bill. It is clear that it includes some highly problematic provisions.
3. **FISA Amendments Act.** All four committees of jurisdiction have now approved legislation to reauthorize the FISA Amendments Act of 2008 (FAA). Passage in the House appears assured, although it is uncertain how quickly House leadership will bring the measure to the floor. Senate passage will be more complicated procedurally: Sen. Wyden has placed a hold on the bill, and we anticipate potential floor amendments as well.
4. **National Defense Authorization Act for FY 2013 (NDAA).** It is expected that the Senate will take up the NDAA following the August recess. Once the bill reaches the floor, it is unclear to what extent detainee-related amendments will dominate the proceedings, as they did during the debate on the 2012 NDAA.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 10, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 14th, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings of interest to the Department

1. **Citizens United and the Voting Rights Act.** On Wednesday, September 12 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, "The Citizens United Court and the Continuing Importance of the Voting Rights Act."
2. **Presidential Authority.** On Wednesday, September 12 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled "The Obama Administration's Abuse of Power." With this hearing, the Committee majority continues its efforts to show that the Administration has encroached upon congressional prerogatives and failed to faithfully execute the laws.

B. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and Bill Baer, to be the AAG for the Antitrust Division.

2. **Judicial Nominees.** The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Lorna G. Schofield, SD NY; Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Matthew W. Brann, MD PA; Malachy Edward Mannion, MD PA; Thomas M. Durkin, ND IL; William H. Orrick, III, ND CA; and Jon S. Tigar, ND CA.

On August 2, the Senate voted to confirm Gershwin A. Drain to be the United States District Judge for the Eastern District of Michigan.

On Monday, September 10, 2012, the Senate voted to confirm Stephanie Marie Rose to be the United States District Judge for the Southern District of Iowa.

3. **U.S. Attorneys.** Angela Tammy Dickinson has been nominated to serve as U. S. Attorney, WD MO, and her nomination is pending in the Senate Judiciary Committee.

On August 2, the Senate voted to confirm Danny Chappelle Williams, Sr., ND OK.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN; and Gary Blankinship, SD TX.

C. **Mark-ups**

1. **House Rules.** On Monday, September 10 at 5:00 p.m. in Room H-313 of the Capitol Building, the House Rules Committee will meet to consider a rule providing for consideration of: H.R. 5949, the “FISA Amendments Act Reauthorization Act of 2012,” a bill to extend the FISA Amendments Act of 2008 for five years.
2. **Senate Veterans’ Affairs.** On Wednesday, September 12 at 10:00 a.m. in Room 418 of the Russell Senate Office Building, the Senate Veterans Affairs Committee will mark up pending legislation, including legislation on servicemembers’ civil rights protections.
3. **Senate Judiciary.** On Thursday, September 13 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 645, the “Child Protection Improvements Act of 2011,” a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.
 - H.R. 2471, a bill to amend section 2710 of title 18, United States Code.
 - S. 3486, the “Patent Law Treaties Implementation Act of 2012,” a bill to implement the provisions of the Hague Agreement and the Patent Law Treaty.

- S. 1894, the “Justice Against Sponsors of Terrorism Act,” a bill to deter terrorism, provide justice for victims, and for other purposes.
- S. 3250, the “SAFER Act of 2012,” a bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry.
- S. 3523, the “Innovative Design Protection Act of 2012.”

D. Briefings

1. **Foreign Intelligence Surveillance.** On Monday, September 10 at 1:00 p.m. in Room 219 of the Hart Senate Office Building, attorneys from the National Security Division participated in a closed interagency briefing for staff of the Senate Select Committee on Intelligence and the Senate Judiciary Committee regarding classified matters that were the subject of a recent congressional notification.
2. **Department Resources in Puerto Rico.** On Wednesday, September 12 at 3:00 p.m. in Room 1214 of the Longworth House Office Building, representatives from the Office of the Deputy Attorney General and the Office of the Associate Attorney General will meet with Resident Commissioner Pierluisi and House Appropriations Committee staff regarding Department resources in Puerto Rico.
3. **Hate Crimes and Domestic Extremism.** On Friday, September 14 at 11:00 a.m. in Room 226 of the Dirksen Senate Office Building (location tentative), representatives from the Civil Rights Division and the FBI will provide a briefing for Senate Judiciary Committee staff regarding hate crimes and domestic extremism.

E. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 6189, the “Reporting Efficiency Improvement Act,” a bill to eliminate unnecessary reporting requirements for unfunded programs in the Office of Justice Programs.
 - H.R. 2800, the “Missing Alzheimer’s Disease Patient Alert Program Reauthorization of 2011,” a bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer’s Disease Patient Alert Program.
 - H.R. 6131, a bill to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006.
 - H.R. 4305, the “Child and Elderly Missing Alert Program,” a bill to authorize the Attorney General to provide a grant to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing individuals.
 - H.R. 6185, the “Local Courthouse Safety Act of 2012,” a bill to improve security at State and local courthouses.

- H.R. 1775, the “Stolen Valor Act of 2011,” a bill to establish a criminal offense relating to fraudulent claims about military service.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 5949, the “FISA Amendments Act Reauthorization Act of 2012,” a bill to extend the FISA Amendments Act of 2008 for five years.
- Fiscal 2013 continuing appropriations resolution.
- The “National Security and Job Protection Act,” a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985.

The Senate is scheduled to take up the following legislation:

- S. 3457, the “Veterans Jobs Corps Act of 2012,” a bill to establish a veterans jobs corps, and for other purposes.

F. Looking Ahead

1. **FISA Amendments Act.** All four committees of jurisdiction have now approved legislation to reauthorize the FISA Amendments Act of 2008 (FAA), and the House is expected to pass the bill this week with strong Administration support. The situation in the Senate is more complicated, with at least one hold and potential floor amendments. That being the case, there is little prospect that the Senate will act on the measure before the lame duck session.
2. **Cybersecurity.** Negotiations continued over the August recess on a compromise that could be brought to the Senate floor, but major differences remain and there is very little likelihood that an agreement will be reached prior to the elections.
3. **National Defense Authorization Act for FY 2013 (NDAA).** Although sponsors had hoped to bring the bill to the floor following the August recess, it now appears that action on the bill will have to await the lame duck session.
4. **Nuclear Terrorism Treaties.** We continue our efforts to secure Senate passage of H.R. 5889, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012,” bipartisan legislation that passed the House on voice vote on June 28. Senator Grassley has been unwilling to support efforts to bypass markup and hotline the bill. It is unlikely that a markup could occur prior to the elections, so once again, we may be looking at a lame duck strategy.
5. **Violence Against Women Act Reauthorization.** No progress has been made on agreeing to a House-Senate conference, so action will not occur before the elections, but Senator Leahy is committed to pressing for action during the lame duck session.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 17, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 21st, 2012

Both the House and the Senate are in session starting on Wednesday this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Homeland Threats and Agency Response.** On Wednesday, September 19 at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, Robert S. Mueller, III, Director of the FBI, will testify before the Senate Homeland Security and Governmental Affairs Committee in a hearing titled, "Homeland Threats and Agency Responses."
2. **Hate Crimes and the Threat of Domestic Extremism.** On Wednesday, September 19 at 2:30 p.m. in Room 216 of the Hart Senate Office Building, Roy L. Austin, Jr., Deputy Assistant Attorney General for the Civil Rights Division, and Michael Clancy, Deputy Assistant Director for the Counterterrorism Division for the FBI, will testify before the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights in a hearing titled, "Hate Crimes and the Threat of Domestic Extremism." Also testifying on the Administration's panel will be Scott F. McAllister, Deputy Under Secretary for the State and Local Programming Office, in the Office of Intelligence and Analysis, Department of Homeland Security.
3. **Inspector General Report on Operation Fast and Furious.** On Thursday, September 20 at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, Michael Horowitz, Inspector General, will testify before the House Oversight and Government

Reform Committee in a hearing about the Inspector General's report on Operation Fast and Furious.

B. Hearings of interest to the Department

1. **Medicare Fraud.** On Wednesday, September 19 at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building, the Senate Special Committee on Aging will hold a hearing titled, "Eliminating Waste and Fraud in Medicare: An Examination of Prior Authorization Requirements for Power Mobility Devices."
2. **Executive Branch Regulations.** On Thursday, September 20 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on regulation and the economic recovery.
3. **Homeland Security.** On Thursday, September 20 at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing titled, "The Department of Homeland Security: An Assessment of the Department and a Roadmap for its Future."
4. **Intellectual Property Enforcement.** On Thursday, September 20 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition, and the Internet will hold a hearing titled, "International IP Enforcement: Opening Markets Abroad and Protecting Innovation."
5. **Tribal-Federal Relationship.** On Thursday, September 20 at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Committee on Indian Affairs will hold a hearing titled, "Advancing the Federal-Tribal Relationship through Self-Governance and Self-Determination."

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and Bill Baer, to be the AAG for the Antitrust Division.

On September 20, the Senate Judiciary Committee is scheduled to consider the nomination of Bill Baer to be the AAG for the Antitrust Division.

2. **Judicial Nominees.** The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Lorna G. Schofield, SD NY; Frank

Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Matthew W. Brann, MD PA; Malachy Edward Mannion, MD PA; Thomas M. Durkin, ND IL; William H. Orrick, III, ND CA; and Jon S. Tigar, ND CA.

On September 19, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Katherine Polk Failla, SD NY; Pamela Ki Mai Chen, ED NY; Troy L. Nunley ED CA; and Sheri Polster Chappell, MD FL.

3. **U.S. Attorneys.** Angela Tammy Dickinson has been nominated to serve as U. S. Attorney, WD MO, and her nomination is pending in the Senate Judiciary Committee.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN; and Gary Blankinship, SD TX.

D. Mark-ups

1. **Senate Judiciary.** On Thursday, September 20 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - H.R. 2471, a bill to amend section 2710 of title 18, United States Code.
 - S. 3486, the “Patent Law Treaties Implementation Act of 2012,” a bill to implement the provisions of the Hague Agreement and the Patent Law Treaty.
 - S. 1894, the “Justice Against Sponsors of Terrorism Act,” a bill to deter terrorism, provide justice for victims, and for other purposes.
 - S. 3250, the “SAFER Act of 2012,” a bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry.
 - S. 3523, the “Innovative Design Protection Act of 2012.”

E. Briefings

1. **School Discipline.** On Friday, September 21 at 1 p.m. in Room 711 of the Hart Senate Office Building, representatives from the Office of Justice Programs and representatives from the Department of Education will brief staff for Senator Durbin on the Strategic School Discipline Initiative.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 6368, the “Border Security Information Improvement Act of 2012,” a bill to require the Department of Justice and the Department of Homeland Security to

provide a report to Congress on the Departments' ability to investigate cross-border violence along the Southwest Border.

- H.R. 2827, a bill to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors.
- H.R. 1461, the "Mescalero Apache Tribe Leasing Authorization Act," a bill to authorize the Mescalero Apache Tribe to lease or transfer water rights that were adjudicated to the Tribe in *State v. Lewis*.
- H.R. 3319, a bill to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe.

Later in the week, the House is also scheduled to take up the following legislation:

- H.R. __, the "STEM (Science, Technology, Engineering, and Math) Jobs Act of 2012," a bill to eliminate the diversity visa lottery and reallocate up to 55,000 green cards a year to the top foreign graduates of U.S. universities with STEM doctorates.
2. The Senate is scheduled to resume consideration of the following legislation:
- S. 3457, the "Veterans Jobs Corps Act of 2012," a bill to establish a veterans jobs corps, and for other purposes.

The Senate is also expected to consider H.J. Res 117, the Continuing Appropriations Resolution, 2013, which passed the House on September 13.

G. Looking Ahead

1. **FISA Amendments Act.** Last week, the House passed legislation to reauthorize the FISA Amendments Act of 2008 (FAA). The situation in the Senate is more complicated, with at least one hold and potential floor amendments. The Senate is not expected to act on the measure before the lame duck session.
2. **Cybersecurity.** Negotiations continued over the August recess on a compromise that could be brought to the Senate floor, but major differences remain and there is very little likelihood that an agreement will be reached prior to the elections.
3. **National Defense Authorization Act for FY 2013 (NDAA).** Although sponsors had hoped to bring the bill to the floor following the August recess, it now appears that action on the bill will have to await the lame duck session.
4. **Nuclear Terrorism Treaties.** We continue our efforts to secure Senate passage of H.R. 5889, the "Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012," bipartisan legislation that passed the House on voice vote on June 28. Senator Grassley has been unwilling to support efforts to bypass markup and hotline the bill. Once again, we may be looking at a lame duck strategy.

5. **Violence Against Women Act Reauthorization.** No progress has been made on agreeing to a House-Senate conference, so action will not occur before the elections, but Senator Leahy is committed to pressing for action during the lame duck session.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 13, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 16th, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **September 11, 2012 Attacks in Benghazi, Libya (House).** On Thursday, November 15 at 10:00 a.m. in Room HVC-304 of the Capitol Visitor Center, Sean Joyce, Deputy Director of the FBI, will testify before the House Permanent Select Committee on Intelligence in a closed hearing on the September 11, 2012 Attacks in Benghazi, Libya. Other witnesses will include the Director of National Intelligence, James Clapper; the Director of the National Counterterrorism Center, Matthew Olsen; the CIA Acting Director, Michael Morell; and the Undersecretary of State, Patrick Kennedy.
2. **September 11, 2012 Attacks in Benghazi, Libya (Senate).** On Thursday, November 15 at 2:30 p.m. in Room 219 of the Hart Senate Office Building, Sean Joyce, Deputy Director of the FBI, will testify before the Senate Select Committee on Intelligence in a closed hearing on the September 11, 2012 Attacks in Benghazi, Libya. Other witnesses will include the Director of National Intelligence, James Clapper; the Director of the National Counterterrorism Center, Matthew Olsen; the CIA Acting Director, Michael Morell; and the Undersecretary of State, Patrick Kennedy.

B. Hearings of interest to the Department

1. **2012 Meningitis Outbreak (House).** On Wednesday, November 14 at 10:00 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Oversight and Investigations will hold a hearing titled, “The Fungal Meningitis Outbreak, Could it have Been Prevented?”
2. **September 11, 2012 Attacks in Benghazi, Libya (House).** On Thursday, November 15 at 10:00 a.m. in Room 2172 of the Rayburn House Office Building, the House Committee on Foreign Affairs will hold a hearing titled, “Benghazi and Beyond: What Went Wrong on September 11, 2012 and How to Prevent it from Happening at other Frontline Posts.”
3. **2012 Meningitis Outbreak (Senate).** On Thursday, November 15 at 10:00 a.m. in Room 106 of the Dirksen Senate Office Building, the Senate Committee on Health, Education, Labor and Pensions will hold a hearing titled, “Pharmacy Compounding: Implications of the 2012 Meningitis Outbreak.”

C. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. The nominations of Bill Baer, to be the AAG for the Antitrust Division, and Sylvia M. Becker, to be a Member of the Foreign Claims Settlement Commission, are pending on the Senate Executive Calendar (Becker’s nomination falls under the “Privileged Nominations” section and as such is entitled to expedited procedures pursuant to S. Res. 116, 112th Congress).
2. **Judicial Nominees.** The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Lorna G. Schofield, SD NY; Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Matthew W. Brann, MD PA; Malachy Edward Mannion, MD PA; Thomas M. Durkin, ND IL; William H. Orrick, III, ND CA; and Jon S. Tigar, ND CA.
3. **U.S. Attorneys.** Angela Tammy Dickinson has been nominated to serve as U. S. Attorney, WD MO, and her nomination is pending in the Senate Judiciary Committee.
4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary

Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN; and Gary Blankinship, SD TX.

D. Briefings

1. **September 11, 2012 Attacks in Benghazi, Libya.** On Tuesday, November 13 at 3:00 p.m. in Room SVC-217 of the Capitol Visitor Center, the FBI will participate in a classified interagency briefing concerning the events in Benghazi, Libya for the Members of the Senate Committee on Foreign Relations.
2. **September 11, 2012 Attacks in Benghazi, Libya.** On Wednesday, November 14, at 11:00 a.m. in Room SVC-217 of the Capitol Visitors Center, the FBI will participate in a classified interagency briefing concerning the events in Benghazi, Libya for Members of the Senate Committee on Homeland Security and Governmental Affairs.
3. **September 11, 2012 Attacks in Benghazi, Libya.** On Wednesday, November 14, at 2:00 p.m. the FBI will participate in a classified interagency briefing concerning the events in Benghazi, Libya for Members of the House Committee on Foreign Affairs.
4. **September 11, 2012 Attacks in Benghazi, Libya.** On Friday, November 16, 2012 at 10:00 a.m. in the Room HVC-304 of the Capitol Visitor Center, the FBI will participate in a classified interagency briefing concerning the events in Benghazi, Libya for the House Speaker, the Minority Leader, and the Chair and Ranking Members of HASC, House Appropriations and relevant subcommittees, HAC-D, Judiciary, and HFAC.

E. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 6371, the “Streamlining Claims Processing for Federal Contractor Employees Act,” a bill to transfer certain funds from the General Accountability Office to the Department of Labor relating to the processing of claims for payment of workers who were not paid appropriate wages.
 - H.R. 6570, a bill to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting.
 - H.R. 5934, the “Stop Tobacco Smuggling in the Territories Act of 2012,” a bill to include certain territories and possessions of the United States in the definition of State for the purpose of chapter 114, relating to trafficking in contraband cigarettes and smokeless tobacco.

The House is scheduled to take up the following legislation pursuant to a rule:

- H.R. 6156, the “Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012,” a bill to establish permanent normal trade relations with the Russian Federation.

2. The Senate is scheduled to resume consideration of the following legislation:
 - S. 3525, the “Sportsmen’s Act of 2012,” a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

F. Looking Ahead

1. **FISA Amendments Act Reauthorization.** With the FAA scheduled to expire unless renewed by the end of the year, we are working with the Senate to pass reauthorization legislation during the lame duck session. The House has already approved its bill (H.R. 5949), and we are hopeful that the Senate will take up the House-passed bill (H.R. 5949) or the bill reported by the Senate Select Committee on Intelligence (S. 3276), both of which are supported by the Administration, in time to avoid any lapse in these authorities.
2. **Cybersecurity.** Last August the Senate failed by 52-46 to invoke cloture on S. 3414, the Cybersecurity Act of 2012. The Majority Leader filed a motion to reconsider the vote, and may bring it up as early as this week. It is expected that the renewed effort to reach the necessary 60 vote threshold will again fall short.
3. **National Defense Authorization Act for FY 2013 (NDAA).** Senate leaders hope to bring the bill to the floor during the lame duck session. Opening statements could begin late this week, with debate on amendments after Thanksgiving.
4. **Intelligence Authorization Act for FY 2013.** The Senate Select Committee on Intelligence has reported S.3454, the Intelligence Authorization Act for FY 2013, and is seeking to hotline it for Senate action this week. The bill contains a number of provisions that are strongly opposed by the Administration. It is not clear what changes the sponsors will be willing to make or whether the measure will be enacted before Congress adjourns for the year.
5. **Nuclear Terrorism Treaties.** We continue our efforts to secure Senate passage of H.R. 5889, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012,” bipartisan legislation that passed the House on voice vote on June 28. Senator Grassley has been unwilling to support efforts to bypass markup and hotline the bill.
6. **Violence Against Women Act Reauthorization.** No progress has been made on agreeing to a House-Senate conference, but Senator Leahy is committed to pressing for action during the lame duck session. The Administration continues to provide technical assistance toward that goal.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 26, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 30th, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings of interest to the Department

1. **Music Licensing Bills.** On Wednesday, November 28 at 11:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet will hold a hearing titled, "Music Licensing Part One: Legislation in the 112th Congress."

B. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; and Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. The nominations of Bill Baer, to be the AAG for the Antitrust Division, and Sylvia M. Becker, to be a member, and Timothy Feighery, to be Chair, of the Foreign Claims Settlement Commission, are pending on the Senate Executive Calendar (both Becker's and Feighery's nominations fall under the "Privileged Nominations" section and as such are entitled to expedited procedures pursuant to S. Res. 116, 112th Congress).

2. **Judicial Nominees.** The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Michael P. Shea, D CT; Paul William Grimm, D MD; Mark E. Walker, ND FL; John E. Dowdell, ND OK; and Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Lorna G. Schofield, SD NY; Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Matthew W. Brann, MD PA; Malachy Edward Mannion, MD PA; Thomas M. Durkin, ND IL; William H. Orrick, III, ND CA; and Jon S. Tigar, ND CA.

On November 29, the Senate Judiciary Committee is scheduled to consider the following nominations: Katherine Polk Failla, SD NY; Troy L. Nunley, ED CA; Sheri Polster Chappell, MD FL; and Pamela Ki Mai Chen, ED NY.

3. **U.S. Attorneys.**

On November 29, the Senate Judiciary Committee is scheduled to consider the nomination of Angela Tammy Dickinson, WD MO.

4. **U.S. Marshals.** The following individuals have been nominated by the President to serve as United States Marshals, and their nominations are pending in the Senate Judiciary Committee: Patrick J. Wilkerson, ED OK; Louise W. Kelton, MD TN; and Gary Blankinship, SD TX.

C. **Mark-ups**

1. **Senate Judiciary.** On Thursday, November 29 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - H.R. 2471, a bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the internet. On September 27, the Senate Judiciary Committee adopted a substitute amendment to this bill offered by Chairman Leahy, which amends the Electronic Communications Privacy Act (ECPA).

D. **Briefings and Other Events**

1. **Bulletproof Vest Partnership.** On Tuesday, November 27 at 2:45 p.m. in Room 224 of the Dirksen Senate Office Building, the Chairman of the Senate Judiciary Committee, Senator Patrick J. Leahy, will hold an event in recognition of the Bulletproof Vest Partnership program (BVP), which is administered by the Office of Justice Programs. Through the BVP, states, localities, and tribal governments are reimbursed for up to 50 percent of the cost of each unit of body armor purchased for law enforcement officers. The Deputy Assistant Attorney General for OJP, James Burch, will represent the

Department and will be joined by Senator Leahy; Senator Coons; and representatives of the Fraternal Order of Police, the International Association of Chiefs of Police, and a police officer whose life was saved by body armor funded by BVP.

2. **FISA Amendments Act Reauthorization.** On Tuesday, November 27 at 5:00 p.m. in Room 211 of the Hart Senate Office Building, the Assistant Attorney General for the National Security Division, Lisa Monaco, will participate in a classified interagency briefing regarding the FISA Amendments Act for Senators Merkley, Udall and Wyden. Also participating in the briefing will be James R. Clapper, Director of National Intelligence; Robert S. Litt, General Counsel of the Office of the Director of National Intelligence; and J. Christopher Inglis, Deputy Director of the National Security Agency.

E. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 5913, the “DHS Accountability Act of 2012,” a bill to create an independent advisory panel to assess the management structure and capabilities of the Department of Homeland Security.
 - H.R. 5997, the “Medical Preparedness Allowable Use Act,” a bill to authorize use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness.
 - H.R. 3563, a bill to amend the Homeland Security Act of 2002 to modernize and implement the national integrated public alert and warning system, and for other purposes.
 - H.R. 915, the “Jaime Zapata Border Enforcement Security Task Force Act,” a bill to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among federal, state and local border and law enforcement officials
 - H.R. 6328, the “Clothe a Homeless Hero Act,” a bill to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The House is scheduled to take up the following legislation pursuant to a rule:

- H.R. 6429, the “STEM Jobs Act of 2012,” a bill amend the Immigration and Nationality Act to promote innovation, investment and research in the United States, to eliminate the diversity immigrant program, and for other purposes.
2. The Senate is scheduled to consider the following legislation:
 - S. 3525, the “Sportsmen’s Act of 2012,” a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.
 - Early this week, Senator Reid is expected to move to proceed to the Convention on the Rights of Persons with Disabilities, which the Administration strongly supports.

F. Looking Ahead

1. **FISA Amendments Act Reauthorization.** With the FAA scheduled to expire unless renewed by the end of the year, we are working with the Senate to pass reauthorization legislation during the lame duck session. The House has already approved its bill (H.R. 5949), and we are hopeful that the Senate will take up the House-passed bill (H.R. 5949) or the bill reported by the Senate Select Committee on Intelligence (S. 3276), both of which are supported by the Administration, in time to avoid any lapse in these authorities.
2. **National Defense Authorization Act for FY 2013 (NDAA).** Senate leaders are working to clear a hold by Sen. Paul and hope to bring the Senate Armed Services Committee bill (S. 3254) to the floor as early as Wednesday. The bill retains existing restrictions opposed by the Administration that limit the use of funds to transfer detainees from the detention facility at Guantanamo Bay to foreign countries.
3. **Intelligence Authorization Act for FY 2013.** The Senate Select Committee on Intelligence has reported S.3454, the Intelligence Authorization Act for FY 2013, and is seeking to hotline it for Senate action this week. The bill contains a number of provisions that are strongly opposed by the Administration. Among these are various provisions related to unauthorized disclosures of classified information and a provision requiring the Administration to provide the Intelligence Committees with every classified opinion issued by the Office of Legal Counsel on or after September 11, 2001.
4. **Nuclear Terrorism Treaties.** We continue our efforts to secure Senate passage of H.R. 5889, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012,” bipartisan legislation that passed the House on voice vote on June 28. Senator Grassley thus far has been unwilling to support efforts to bypass markup and pass the bill on unanimous consent.
5. **Violence Against Women Act Reauthorization.** No progress has been made on agreeing to a House-Senate conference, but Senator Leahy is committed to pressing for action during the lame duck session. The Administration continues to provide technical assistance toward that goal.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 10, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 14th, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **School-to-Prison Pipeline Issues.** On Wednesday, December 12 at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Acting Administrator for the Office of Juvenile Justice and Delinquency Prevention, Melodee Hanes, will testify before the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights in a hearing titled, "Ending the School-to-Prison Pipeline." Testifying on the panel with Ms. Hanes will be Assistant Secretary for Elementary and Secondary Education at the Department of Education, Deborah Delisle; they will be followed by a second panel of witnesses.

1. **September 11, 2012 Attacks in Benghazi, Libya.** On Thursday, December 13 at 10:30 a.m. in Room HVC-304 of the Capitol Visitor Center, the Assistant Director of the Counterterrorism Division for the FBI, Andrew G. McCabe, will testify before the House Permanent Select Committee on Intelligence in a closed hearing on the September 11, 2012 Attacks in Benghazi, Libya. This hearing is a follow-up to the November 15, 2012, hearing on the same matter. Other witnesses will include representatives from the Department of Defense, the Office of the Director of National Intelligence, and the Central Intelligence Agency.

B. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; and Andrew Traver, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. The nominations of Bill Baer, to be the AAG for the Antitrust Division, and Sylvia M. Becker, to be a member, and Timothy Feighery, to be Chair, of the Foreign Claims Settlement Commission, are pending on the Senate Executive Calendar (both Becker's and Feighery's nominations fall under the "Privileged Nominations" section and as such are entitled to expedited procedures pursuant to S. Res. 116, 112th Congress).

Judicial Nominees. The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; John E. Dowdell, ND OK; Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Lorna G. Schofield, SD NY; Frank Paul Geraci, Jr., WD NY; Fernando M. Olguin, CD CA; Matthew W. Brann, MD PA; Malachy Edward Mannion, MD PA; Thomas M. Durkin, ND IL; William H. Orrick, III, ND CA; Jon S. Tigar, ND CA; Katherine Polk Failla, SD NY; Troy L. Nunley, ED CA; Sheri Polster Chappell, MD FL; and Pamela Ki Mai Chen, ED NY.

On December 5, the Senate voted to confirm the nomination of Michael P. Shea, D CT. On December 6, the Senate voted to confirm the nomination of Mark E. Walker, ND FL.

On December 12, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Shelly Deckert Dick, MD LA; Andrew Patrick Gordon, D NV; Ketanji Brown Jackson, D DC; and Beverly Reid O'Connell, CD CA.

2. **U.S. Attorneys.** The following individual was nominated by the President to serve as United States Attorney and her nomination is pending on the Senate Executive Calendar: Angela Tammy Dickinson, WD MO.
3. **U.S. Marshals.** The following individuals were nominated by the President to serve as United States Marshals, and their nominations are pending on the Senate Executive Calendar: Patrick J. Wilkerson, ED OK; and Louise W. Kelton, MD TN. In addition, the following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Gary Blankinship, SD TX.

C. Briefings

1. **Continuing Resolution Spend Plan.** On Monday, December 10 at 2:00 p.m. in Room H-309 of the Capitol Building, representatives from the Justice Management Division will hold a briefing for Senate and House Appropriations staff regarding the Department's Spend Plan under the Continuing Resolution for FY 2013.

D. Mark-ups

1. **Senate Judiciary.** On Thursday, December 13 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 1223, the “Location Privacy Protection Act of 2011,” a bill to address voluntary location tracking of electronic communications devices, and for other purposes.
 - S. 1560, the “Nursing Home Resident Pain Relief Act of 2011,” a bill to enhance access to controlled substances for residents of institutional long-term care facilities, and for other purposes.
2. **House Judiciary.** On Thursday, December 13 at 9:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.J. Res. 819, a resolution directing the Attorney General to transmit to the House of Representatives any documents and legal memoranda in the Attorney General’s possession relating to particular national security issues.
 - H.R. 4216, the “Foreign Counterfeit Prevention Act,” a bill to provide for the exchange of information related to trade enforcement.
 - H.R. 6014, the “Katie Sepich Enhanced DNA Collection Act of 2012,” a bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes.

E. Floor

1. The House is expected to consider a motion to go to conference on H.R. 4310, the “National Defense Authorization Act for Fiscal Year 2013.”

The House is also scheduled to take up the following legislation under suspension of the rules:

- H.R. 6190, the “Asthma Inhalers Relief Act of 2012,” a bill to direct the administrator of the Environmental Protection Agency to allow for the distribution, sale and consumption of remaining inventories of over-the-counter CFC epinephrine inhalers.
- H.R. 5817, the “Eliminate Privacy Notice Confusion Act,” a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual privacy notice requirement.
- S. 3542, the “No-Hassle Flying Act of 2012,” a bill to authorize the assistant secretary of Homeland Security to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.
- S. 1998, the “DHS Audit Requirement Target (DART) Act of 2012,” a bill to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

- H.R. 4053, the “Improper Payments Elimination and Recovery Improvement Act of 2012,” a bill to prevent and recover payment error, waste, fraud and abuse within federal spending.
 - S. 3315, the “GAO Mandates Revision Act of 2012,” a bill to repeal or modify certain mandates of the Government Accountability Office.
 - S. 1379, the “D.C. Courts and Public Defenders Service Act of 2011,” a bill to revise certain administrative authorities of the District of Columbia courts, and for other purposes.
2. The Senate is scheduled to consider the following legislation:
- S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

F. Looking Ahead

1. **FISA Amendments Act Reauthorization.** With the FAA scheduled to expire unless renewed by the end of the year, we are working with the Senate to pass reauthorization legislation during the lame duck session. The House has already approved its bill (H.R. 5949), and we are hopeful that the Senate will take up the House-passed bill (H.R. 5949) or the bill reported by the Senate Select Committee on Intelligence (S. 3276), both of which are supported by the Administration, in time to avoid any lapse in these authorities. It is possible that the measure could come to the floor as early as this week.
2. **Intelligence Authorization Act for FY 2013.** The Senate Select Committee on Intelligence has reported S.3454, the Intelligence Authorization Act for FY 2013, which contains a number of provisions that are strongly opposed by the Administration. Among these are various provisions related to unauthorized disclosures of classified information and a provision requiring the Administration to provide the Intelligence Committees with every classified opinion issued by the Office of Legal Counsel on or after September 11, 2001.
3. **Nuclear Terrorism Treaties.** We continue our efforts to secure Senate passage of H.R. 5889, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012,” bipartisan legislation that passed the House on voice vote on June 28. Senator Grassley thus far has been unwilling to support efforts to bypass markup and pass the bill on unanimous consent.
4. **Violence Against Women Act Reauthorization.** An effort continues to be made to resolve differences between the Senate-and House-passed versions of the VAWA reauthorization bill, in the absence of agreement to a House-Senate conference.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 17, 2012

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Acting Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 21th, 2012

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings of interest to the Department

1. **Voting Rights.** On Wednesday, December 19 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, "The State of the Right to Vote After the 2012 Election."
2. **Attacks in Benghazi, Libya.** On Thursday, December 20 at 9:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Foreign Relations Committee will hold a hearing titled, "Benghazi: The Attack and the Lessons Learned."
3. **Attacks in Benghazi, Libya.** On Thursday, December 20 at 1:00 p.m. in Room 2172 of the Rayburn House Office Building, the House Foreign Affairs Committee will hold a hearing titled, "Benghazi Attack, Part II: The Report of the Accountability Review Board."

B. Pending Nominations

1. **Department Nominees.** In addition to the U.S. Attorney and U.S. Marshal nominees listed below, the following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; and Andrew Traver, to be

the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. The nominations of Bill Baer, to be the AAG for the Antitrust Division, and Sylvia M. Becker, to be a member, and Timothy Feighery, to be Chair, of the Foreign Claims Settlement Commission, are pending on the Senate Executive Calendar (both Becker's and Feighery's nominations fall under the "Privileged Nominations" section and as such are entitled to expedited procedures pursuant to S. Res. 116, 112th Congress).

Judicial Nominees. The following nominations are pending on the Senate Executive Calendar: Patty Shwartz, Third Circuit; Richard Gary Taranto, Federal Circuit; William J. Kayatta, Jr., First Circuit; Robert E. Bacharach, Tenth Circuit; Gonzalo P. Curiel, SD CA; Robert J. Shelby, D UT; Brian J. Davis, MD FL; Terrence G. Berg, ED MI; Jesus G. Bernal, CD CA; Frank Paul Geraci, Jr., WD NY; Matthew W. Brann, MD PA; Malachy Edward Mannion, MD PA; William H. Orrick, III, ND CA; Jon S. Tigar, ND CA; Katherine Polk Failla, SD NY; Troy L. Nunley, ED CA; Sheri Polster Chappell, MD FL; and Pamela Ki Mai Chen, ED NY.

On December 11, the Senate confirmed the following nomination: John E. Dowdell, ND OK. On December 13, the Senate confirmed the following nomination: Lorna G. Schofield, SD NY. The Senate is expected to confirm the following nominations on December 17: Fernando M. Olguin, CD CA; and Thomas M. Durkin, ND IL.

2. **U.S. Attorneys.** The following individual was nominated by the President to serve as United States Attorney and her nomination is pending on the Senate Executive Calendar: Angela Tammy Dickinson, WD MO.
3. **U.S. Marshals.** The following individuals were nominated by the President to serve as United States Marshals, and their nominations are pending on the Senate Executive Calendar: Patrick J. Wilkerson, ED OK; and Louise W. Kelton, MD TN. In addition, the following individual has been nominated by the President to serve as United States Marshal, and his nomination is pending in the Senate Judiciary Committee: Gary Blankinship, SD TX.

C. Briefings

1. **FBI Crime Lab Hair Analysis.** This week at a date, time, and location yet to be determined, representatives from the FBI will provide a briefing for Senate Judiciary Committee staff on the FBI crime lab hair analysis review.

D. Mark-ups

1. **Senate Judiciary.** On Thursday, December 20 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:

- S. 1560, the “Nursing Home Resident Pain Relief Act of 2011,” a bill to enhance access to controlled substances for residents of institutional long-term care facilities, and for other purposes.
2. **House Judiciary.** On Wednesday, December 19 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
- H.R. 6654, a bill to provide for the exchange of information related to trade enforcement, and for other purposes.

E. Floor

1. Both houses of Congress could take up the conference report to the National Defense Authorization Act for FY 2013 later this week. Conferees are expected to file a conference report as early as Tuesday evening.
2. The House is also scheduled to take up the following legislation under suspension of the rules:
 - H.R. 4606, a bill to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purpose.
 - H.R. 6016, the “Government Employee Accountability Act,” a bill to amend Title 5, U.S. Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes.
 - S. 3564, the “Public Interest Declassification Board Reauthorization Act of 2012,” a bill to extend the Public Interest Declassification Act of 2000 until 2018, and for other purposes.
 - S. 2170, the “Hatch Act Modernization Act of 2012,” a bill to amend the “Hatch Act” to eliminate the provision preventing certain state and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties.
 - H.R. 6621, a bill to correct and improve certain provisions of the Leahy-Smith America Invents Act and Title 35, United States Code.
 - H.R. 2471, a bill to clarify that a video tape service provider may obtain a consumer’s informed, written consent on an ongoing basis and that consent may be obtained through the Internet.
 - H.R. 6014, the “Katie Sepich Enhanced DNA Collection Act of 2012,” a bill to authorize the Attorney General to award grants for states to implement minimum and enhanced DNA collection processes.
 - S. 3642, the “Theft of Trade Secrets Clarification Act of 2012,” a bill to clarify the scope of the Economic Espionage Act of 1996.
 - H.R. 6504, the “Small Business Investment Company Modernization Act of 2012,” a bill to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes.

- H.R. 1509, the “Medicare Identity Theft Prevention Act of 2011,” a bill to amend Title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards.
 - H.R. 1845, the “Medicare IVIG Access Act,” a bill to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries.
 - H.R. 3783, the “Countering Iran in the Western Hemisphere Act of 2012,” a bill “to provide for a comprehensive strategy to counter Iran’s growing hostile presence and activity in the Western Hemisphere, and for other purposes.”
 - S. 3331, the “Intercountry Adoption Universal Accreditation Act of 2012,” a bill to provide for universal intercountry adoption accreditation standards, and for other purposes.
3. The Senate is scheduled to consider the following legislation:
- S. 3276, the FAA Sunsets Extension Act of 2012. The bill is expected to come up this week under a unanimous consent agreement that would allow for consideration of a number of amendments to the bill reported by the Senate Select Committee on Intelligence.
 - H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill that would help communities hit by Superstorm Sandy.

F. Looking Ahead

1. **Intelligence Authorization Act for FY 2013.** The Senate Select Committee on Intelligence has reported S.3454, the Intelligence Authorization Act for FY 2013, which contains a number of provisions that are strongly opposed by the Administration. Among these are various provisions related to unauthorized disclosures of classified information and a provision requiring the Administration to provide the Intelligence Committees with every classified opinion issued by the Office of Legal Counsel on or after September 11, 2001.
2. **Nuclear Terrorism Treaties.** We continue our efforts to secure Senate passage of H.R. 5889, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012,” bipartisan legislation that passed the House on voice vote on June 28. Senator Grassley thus far has been unwilling to support efforts to bypass markup and pass the bill on unanimous consent.
3. **Violence Against Women Act Reauthorization.** An effort continues to be made to resolve differences between the Senate-and House-passed versions of the VAWA reauthorization bill, in the absence of agreement to a House-Senate conference.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 22, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending January 25th, 2013

Both the House and the Senate are in session this week.

The following is a summary of our current activities:

A. Hearings of interest to the Department

1. **Investigation of Benghazi Attack (Senate).** On Wednesday, January 23 at 9:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Foreign Relations Committee will hold a hearing titled, "Benghazi: The Attacks and the Lessons Learned." Hillary Rodham Clinton, the Secretary of State, will be testifying.
2. **Investigation of Benghazi Attack (House).** On Wednesday, January 23 at 2:00 p.m. in Room 2172 of Rayburn House Office Building, the House Foreign Affairs Committee will hold a hearing titled, "Terrorist Attack in Benghazi: The Secretary of State's View."

B. Pending Nominations

1. **Department Nominees.** On January 22, the President nominated Tony West to be the Associate Attorney General and Sylvia M. Becker to be a member and Chair of the Foreign Claims Settlement Commission.

On December 30, 2012, the Senate confirmed William J. Baer, to be the Assistant Attorney General for the Antitrust Division.

2. **Judicial Nominees.** On January 3, nominations for thirty-three judgeships were sent to the Senate. On January 23, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Nelson Stephen Roman, SD NY; Raymond P. Moore, D CO; Analisa Torres, SD NY; and Derrick Kahala Watson, D HI.

On December 21, 2012, the Senate confirmed the following nominations: Matthew W. Brann, MD PA; Malachy Edward Mannion, MD PA; and Jon S. Tigar, ND CA. On December 17, 2012, the Senate confirmed the following nominations: Fernando M. Olguin, CD CA; and Thomas M. Durkin, ND IL.

3. **U.S. Attorneys.** To date, there have been no USA nominations for the 113th Congress.

On January 1, the Senate confirmed Angela Tammy Dickinson, WD MO.

4. **U.S. Marshals.** To date, there have been no USM nominations for the 113th Congress.

On January 1, the Senate confirmed Patrick J. Wilkerson, ED OK; and Louise W. Kelton, MD TN.

C. **Briefings**

1. **Gun Violence (Senate).** On Wednesday, January 23 at 2:00 p.m. in Room 224 of the Dirksen Senate Office Building, representatives from the Department will support representatives from the Office of the Vice President in its briefing on gun violence for Senate staffers.
2. **Gun Violence (House).** On Thursday, January 24 at 10:00 a.m. in the Auditorium of the Capitol Visitor Center, representatives from the Department will support representatives from the Office of the Vice President in its briefing on gun violence for House staffers.

D. **Committee Business Meetings**

1. **House Oversight and Governmental Reform Committee Organizational Meeting.** On Tuesday, January 22 at 12:30 p.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Governmental Reform Committee will meet to organize and adopt committee rules for the 113th Congress.
2. **House Judiciary Committee Organization Meeting.** On Wednesday, January 23 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the Committee on the Judiciary will meet to discuss subcommittee chairmanships and membership.

E. **Floor**

1. The House is scheduled to take up the following legislation under suspension of the rules:

- H.R. 307, the “Pandemic and All-Hazards Preparedness Reauthorization Act,” a bill to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The House will reconvene at 9:00 a.m. on Wednesday and is expected to consider a bill that provides a three-month increase in the nation’s debt limit and conditions a long-term increase on adoption of a budget in each chamber of Congress.

2. The Senate is expected to take up H.R. 152, a bill that would provide disaster aid for damage caused by Superstorm Sandy by making supplemental appropriations for the fiscal year ending Sept. 30, 2013, and for other purposes

F. Looking Ahead

1. **Gun Violence Issues.** On Wednesday, January 30 at a time to be determined, in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing on gun violence at which the Administration is not expected to testify. The Department continues to work closely with the White House on Administration gun violence-related proposals while providing technical assistance on a number of congressional proposals as well.
2. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are monitoring the status of Senate efforts to formulate comprehensive immigration reform proposals.
3. **Electronic Communications Privacy Act.** We anticipate that Chairman Leahy will resume his efforts to enact ECPA reform legislation early in the new congress. Meanwhile we continue to work within the interagency to clear an Administration proposal that strikes an appropriate balance between law enforcement needs and privacy and innovation.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 28, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 1st, 2013

The House is not in session this week. The Senate is in session this week.

The following is a summary of our current activities:

A. Hearings of interest to the Department

1. **Gun Violence Issues.** On Wednesday, January 30th at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, "What Should America Do About Gun Violence?" No Administration witnesses will participate in this hearing.

B. Pending Nominations

1. **Department Nominees.** On January 22, the President nominated Tony West to be the Associate Attorney General and Sylvia M. Becker to be a member of the Foreign Claims Settlement Commission. On January 24, the President nominated B. Todd Jones to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.
2. **Judicial Nominees.** On January 23, the Senate Judiciary Committee held a hearing on the following nominations: Nelson Stephen Roman, SD NY; Raymond P. Moore, D CO; Analisa Torres, SD NY; and Derrick Kahala Watson, D HI.

On January 31, the Senate Judiciary Committee is scheduled to consider the following

nominations: Robert E. Bacharach, Tenth Circuit; William J. Kayatta, Jr., First Circuit; and Richard Gary Taranto, Federal Circuit.

3. **U.S. Attorneys.** To date, there have been no USA nominations for the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations for the 113th Congress.

C. **Briefings**

1. **FBI Lab Hair Analysis Review.** On Thursday, January 31st at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, representatives from the Department, including the FBI, will be briefing Senate Judiciary Committee staff from Chairman Leahy and Ranking Member Grassley's offices on current efforts to review hair examination reports and testimony provided by FBI Lab examiners prior to the time DNA testing became routine.

D. **Committee Markups & Business Meetings**

1. **Senate Judiciary Committee.** On Thursday, January 31st at 10:00 a.m. in Room 226 of the Dirksen Senate Building, the Senate Judiciary Committee will meet to organize for the 113th Congress and consider judicial nominations.

E. **Floor**

1. On Monday, January 28th, the Senate took up H.R. 152, a bill to provide disaster aid for damage caused by Superstorm Sandy by making supplemental appropriations for the fiscal year ending Sept. 30, 2013, and for other purposes.

F. **Looking Ahead**

1. **Gun Violence Issues.** The Department continues to work closely with the White House on Administration gun violence-related proposals and to provide technical assistance on various congressional proposals.
2. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with the Senate Judiciary Committee and senators engaged in efforts to formulate comprehensive immigration reform proposals.
3. **Electronic Communications Privacy Act.** We anticipate that Chairman Leahy will resume his efforts to enact ECPA reform legislation early in the new Congress. Meanwhile, we continue to work within the interagency process to clear an

Administration proposal that strikes an appropriate balance between law enforcement needs and privacy and innovation.

4. **Violence Against Women Act Reauthorization.** We anticipate that Majority Leader Reid will bring S. 47, the VAWA Reauthorization bill, directly to the floor, where it is expected to pass with bipartisan support. This could happen by next week.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 4, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 8th 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings of interest to the Department

1. **Immigration.** On Tuesday, February 5, 2013 at 10:15 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, "America's Immigration System: Opportunities for Legal Immigration and Enforcement of Laws Against Illegal Immigration."

B. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission.
2. **Judicial Nominees.** On February 7, the Senate Judiciary Committee is scheduled to consider the following nominations: Robert E. Bacharach, Tenth Circuit; William J. Kayatta, Jr., First Circuit; Richard Gary Taranto, Federal Circuit; Caitlin Joan Halligan, DC Circuit; Patty Shwartz, Third Circuit; Pamela Ki Mai Chen, ED NY; Katherine Polk Failla, SD NY; Andrew Patrick Gordon, D NV; Ketanji Brown Jackson, D DC; Raymond

P. Moore, D CO; Troy L. Nunley, ED CA; Beverly Reid O'Connell, CD CA; Analisa Torres, SD NY; Derrick Kahala Watson, D HI; and Mark A. Barnett.

3. **U.S. Attorneys.** To date, there have been no USA nominations for the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations for the 113th Congress.

C. **Briefings**

1. **Sentencing Reform.** On Tuesday, February 5th, at 11:00 a.m. in Room 717 of the Hart Senate Office Building, representatives from the Department, including CRM, OJP, and BOP, will meet with Senate Judiciary Committee staff from Senator Whitehouse's office on sentencing reform proposals.

D. **Committee Markups & Business Meetings**

1. **Senate Judiciary Committee.** On Thursday, February 7th, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will vote on pending judicial nominations.

E. **Floor**

1. The Senate is scheduled to consider and vote today on the motion to proceed to S. 47, the "Violence Against Women Reauthorization Act of 2013."
2. The House is scheduled to take up the following legislation under suspension of the rules:
 - HR 297, the "Children's Hospital GME Support Authorization Act of 2013."
 - HR 235, the "Veteran Emergency Medical Technician Support Act of 2013."
 - HR 225, the "National Pediatric Research Network Act of 2013."

On Tuesday, February 5th, the House will meet to begin consideration of HR 444, a bill to require that the president's fiscal year 2014 budget does not achieve balance in a fiscal year covered by such budgeted, the president shall submit a supplemental unified budget by April 1, 2013.

F. **Looking Ahead**

1. **Gun Violence Issues.** On February 12th at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights will hold a hearing titled, "Proposals to Reduce Gun Violence: Protecting our Communities While Respecting the Second Amendment." A witness from the Department may testify.

2. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with the Senate Judiciary Committee and Senators engaged in efforts to formulate comprehensive immigration reform proposals.
3. **Electronic Communications Privacy Act.** We anticipate that Chairman Leahy will resume his efforts to enact ECPA reform legislation early in the new Congress. Meanwhile, we continue to work within the interagency process to clear an Administration proposal that strikes an appropriate balance between law enforcement needs and privacy and innovation.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 11, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending February 15th 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings in which the Department is testifying

1. **Gun Violence.** On Tuesday, February 12, 2013, at 10:00 a.m. in Room 216 of the Hart Senate Office Building, Timothy J. Heaphy, the United States Attorney for the Western District of Virginia, will testify before the Senate Judiciary Subcommittee on Constitution, Civil Rights and Human Rights in a hearing titled, "Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment."

B. Hearings of interest to the Department

1. **Immigration.** On Wednesday, February 13, 2013, at 9:30 a.m. in Room 216 of the Hart Senate Building, the Senate Judiciary Committee will hold a hearing on comprehensive immigration reform. Janet Napolitano, the Secretary of Homeland Security, will testify along with other witnesses.
2. **Cybersecurity.** On Thursday, February 14, 2013, at 10:00 a.m. in Room HVC-210 of the Capitol Visitor Center, the House Intelligence Committee will hold a hearing titled, "Advanced Cyber Threats Facing Our Nation."

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Robert E. Bacharach, Tenth Circuit; William J. Kayatta, Jr., First Circuit; and Richard Gary Taranto, Federal Circuit.

On February 13th, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Kenneth John Gonzales, D NM; Michael J. McShane, D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; and Jeffrey L. Schmehl, ED PA.

On February 14th, the Senate Judiciary Committee is scheduled to consider the following nominations: Caitlin Joan Halligan, DC Circuit; Patty Shwartz, Third Circuit; Pamela Ki Mai Chen, ED NY; Katherine Polk Failla, SD NY; Andrew Patrick Gordon, D NV; Ketanji Brown Jackson, D DC; Raymond P. Moore, D CO; Troy L. Nunley, ED CA; Beverly Reid O'Connell, CD CA; Analisa Torres, SD NY; Derrick Kahala Watson, D HI; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; and Nelson Stephen Roman, SD NY.

3. **U.S. Attorneys.** To date, there have been no USA nominations for the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations for the 113th Congress.

D. Briefings

1. **Gun Violence.** On Monday, February 11, 2013, at 10 a.m., representatives from the FBI and ATF provided a briefing for the staff of the House Gun Violence Control Task Force.
2. **Cybersecurity.** On Monday, February 11, 2013, at 3:30 p.m., representatives from the FBI provided an interagency classified briefing to the Senate Homeland Security and Government Affairs Committee.
3. **Cybersecurity.** On Thursday, February 14, 2013, at 11:00 a.m. in Room 217 of the Senate Visitor Center, representatives from the National Security Division and the FBI will brief Senator Whitehouse and staff on cybersecurity issues.

E. Floor

1. The Senate is considering S. 47, the “Violence Against Women Reauthorization Act of 2013.”
2. The House is scheduled to take up the following legislation:
 - H.R. 267, the “Hydropower Regulatory Efficiency Act of 2013,” a bill to improve hydropower and for other purposes.
 - H.R. 592, the “Federal Disaster Assistance Nonprofit Fairness Act of 2013,” a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities, and for other purposes.
 - H.R. 273, a bill to eliminate the 2013 statutory pay adjustment for federal employees.

F. Looking Ahead

1. **AG Oversight Hearing.** The Senate Judiciary Committee will hold a hearing on oversight of the Department of Justice, with the Attorney General, on March 6.
2. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with the Senate Judiciary Committee and Senators engaged in efforts to formulate comprehensive immigration reform proposals.
3. **Electronic Communications Privacy Act.** We anticipate that Chairman Leahy will resume his efforts to enact ECPA reform legislation early in the new Congress. Meanwhile, we continue to work within the interagency process to clear an Administration proposal that strikes an appropriate balance between law enforcement needs and privacy and innovation.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 25, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 1, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Gun Violence.** On Wednesday, February 27, 2013, at 10:00 a.m. in Room 216 of the Hart Senate Office Building, John Walsh, U.S. Attorney for the District of Colorado, will testify before the Senate Judiciary Committee at a hearing titled, "The Assault Weapons Ban of 2013."

B. Hearings of interest to the Department

1. **Airline Merger.** On Tuesday, February 26, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law will hold a hearing titled, "Competition and Bankruptcy in the Airline Industry: The Proposed Merger of American Airlines and US Airways."
2. **Cyber Security.** On Tuesday, February 26, 2013, at 10:00 a.m. in Room 2318 of the Rayburn House Office Building, the House Science, Space and Technology Subcommittee on Research will hold a hearing titled, "Cyber R&D (Research and Development) Challenges and Solutions."

3. **Visa Programs.** On Tuesday, February 26, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will hold a hearing titled, “Agricultural Labor: From H-2A to a Workable Agricultural Guestworker Program.”
4. **Drones and the War on Terror.** On Wednesday, February 27, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Committee on the Judiciary will hold a hearing titled, “Drones and the War on Terror: Can the U.S. Target Alleged American Terrorists Overseas?”
5. **School Safety.** On Wednesday, February 27, 2013, at 12:30 p.m. in Room 2175 of the Rayburn House Office Building, the House Education and the Workforce Committee will hold a hearing titled, “Protecting Students and Teachers: A Discussion on School Safety.”
6. **E-Verify.** On Wednesday, February 27, 2013, at 2:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will hold a hearing titled, “How E-Verify Works and How it Benefits American Employers and Workers.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Karol V. Mason, to be the Assistant Attorney General for the Office of Justice Programs.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Richard Gary Taranto, Federal Circuit; Caitlin Joan Halligan, DC Circuit; Patty Shwartz, Third Circuit; Pamela Ki Mai Chen, ED NY; Katherine Polk Failla, SD NY; Andrew Patrick Gordon, D NV; Ketanji Brown Jackson, D DC; Raymond P. Moore, D CO; Troy L. Nunley, ED CA; Beverly Reid O'Connell, CD CA; Analisa Torres, SD NY; and Derrick Kahala Watson, D HI.

On February 25, the Senate voted to confirm Robert E. Bacharach, Tenth Circuit. On February 13th, the Senate voted to confirm the nomination of William J. Kayatta, Jr., First Circuit.

On February 27th, the Senate Judiciary Committee is scheduled to hold a hearing on the nomination of Jane Kelly to be United States Circuit Judge for the Eighth Circuit.

On February 28th, the Senate Judiciary Committee is scheduled to consider the following nominations: Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; Nelson Stephen Roman, SD NY; and Sheri Polster Chappell, MD FL; Kenneth John Gonzales, D NM; Michael J. McShane, D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; and Jeffrey L. Schmehl ED PA.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **Cyber Security.** On Wednesday, February 27, 2013, at 10:00 a.m. (location TBD), Mike Heiler and Greg Ruppert of the FBI will participate in a briefing with Senate Homeland Security and Governmental Affairs members and staff regarding threats to industrial control systems.
2. **FOIA.** On Thursday, February 28, 2013, at 2:00 p.m. in Room 2157 of the Rayburn House Office, Melanie Pustay, Director of the Office of Information Policy, will brief bipartisan staff from the House Committee on Oversight and Government Reform on a variety of FOIA issues, including FOIA backlogs and updates to FOIA Regulations.
3. **Cyber Security.** On Thursday, February 28, 2013, at 2:30 p.m. in Room 219 of the Hart Senate Office Building, Sean Joyce, Deputy Director of the FBI, will provide a closed briefing to members of the Senate Select Committee on Intelligence.

E. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Thursday, February 28, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will markup the following legislation:
 - S. 150, the “Assault Weapons Ban of 2013,” a bill to regulate assault weapons, and for other purposes.
 - S. 54, the “Stop Illegal Trafficking in Firearms Act of 2013,” a bill to deter firearms trafficking.
 - S. 374, the “Protecting Responsible Gun Sellers Act of 2013.”
 - S. 146, the “School Safety Enhancements Act of 2013,” a bill to enhance the safety of America’s schools.

F. Floor

1. The House is scheduled to take up the following legislation:
 - S.47, the Violence Against Women Reauthorization Act of 2013.

G. Looking Ahead

1. **DOJ Oversight Hearing.** On Wednesday, March 6, 2013, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Attorney General will testify before the Senate Judiciary Committee at a hearing titled “Oversight of the Department of Justice.”

2. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with the Senate Judiciary Committee and other senators engaged in efforts to formulate comprehensive immigration reform proposals.
3. **Electronic Communications Privacy Act.** We anticipate that Chairman Leahy will resume his efforts to enact ECPA reform legislation early in the new Congress. The House Judiciary Committee also will shortly begin hearings to consider whether changes should be made to the statute. Meanwhile, we continue to work within the interagency process to clear an Administration proposal that strikes an appropriate balance between law enforcement needs and privacy and innovation.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 5, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 8, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Oversight.** On Wednesday, March 6, 2013, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Attorney General will testify before the Senate Judiciary Committee at a hearing titled, "Oversight of the Department of Justice."
2. **FBI Headquarters Consolidation.** On Wednesday, March, 6, 2013 at 10:00 a.m. in Room 2167 of the Rayburn House Office Building, Associate Director, Kevin Perkins will testify before the House Committee on Transportation and Infrastructure at a hearing titled, "Economic Development, Public Buildings and Emergency Management."

B. Hearings of interest to the Department

1. **Immigration.** On Tuesday, March 5, 2013 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Subcommittee on Immigration and Border Security will hold a hearing titled, "Enhancing American Competitiveness through Skilled Immigration."
2. **Litigation.** On Tuesday, March 5, 2013 at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Subcommittee on Constitution and Civil Justice will hold a hearing titled, "Excessive Litigation's Impact on America's Global Competitiveness."

3. **Intellectual Property.** On Thursday, March 7, 2013 at 9:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “Abusive Patent Litigation: The Impact on American Innovation and Jobs and Potential Solutions.”
4. **Cyber Security.** On Thursday, March 7, 2013 at 2:30 p.m. in Room G-50 of the Dirksen Senate Office Building, the Senate Commerce, Science and Transportation Committee and the Senate Homeland Security and Governmental Affairs Committee will hold a joint hearing titled, “The Cybersecurity Partnership Between the Private Sector and Our Government: Protecting our National and Economic Security.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Karol V. Mason, to be the Assistant Attorney General for the Office of Justice Programs.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Richard Gary Taranto, Federal Circuit; Caitlin Joan Halligan, DC Circuit; Patty Shwartz, Third Circuit; Andrew Patrick Gordon, D NV; Ketanji Brown Jackson, D DC; Raymond P. Moore, D CO; Troy L. Nunley, ED CA; Beverly Reid O'Connell, CD CA; Analisa Torres, SD NY; Derrick Kahala Watson, D HI; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; and Nelson Stephen Roman, SD NY.

On Monday, March 4, the Senate voted to confirm the following nominations: Pamela Ki Mai Chen, ED NY; Katherine Polk Failla, SD NY.

On Thursday, March 7, the Senate Judiciary Committee is scheduled to consider the following nominations: Sheri Polster Chappell, MD FL; Kenneth John Gonzales, D NM; Michael J. McShane, D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; and Jeffrey L. Schmehl ED PA.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. **Committee Markups & Business Meetings**

1. **Senate Judiciary Committee.** On Thursday, March 7, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will markup the following legislation:

- S. 150, the “Assault Weapons Ban of 2013,” a bill to regulate assault weapons, and for other purposes.
- S. 54, the “Stop Illegal Trafficking in Firearms Act of 2013,” a bill to deter firearms trafficking.
- S. 374, the “Protecting Responsible Gun Sellers Act of 2013.”
- S. 146, the “School Safety Enhancements Act of 2013,” a bill to enhance the safety of America’s schools.”

E. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 307, the “Pandemic and All-Hazards Preparedness Reauthorization Act of 2013”, a bill to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.
 - H.R. 668, a bill to amend section 1105(a) of Title 31, United States Code, to require that annual budget submissions of the president to Congress provide an estimate of the cost per taxpayer of the deficit, and for other purposes.
 - H.R. 338, the “Stop Tobacco Smuggling in the Territories Act of 2013”, a bill to amend Title 18, United States Code, to include certain territories and possessions of the United States in the definition of state for the purposes of Chapter 114, relating to trafficking in contraband cigarettes and smokeless tobacco.

F. Looking Ahead

1. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with the Senate Judiciary Committee and other senators engaged in efforts to formulate comprehensive immigration reform proposals.
2. **Electronic Communications Privacy Act.** We anticipate that Chairman Leahy will resume his efforts to enact ECPA reform legislation early in the new Congress. The House Judiciary Committee also will shortly begin hearings to consider whether changes should be made to the statute. Meanwhile, we continue to work within the interagency process to clear an Administration position that strikes an appropriate balance between law enforcement needs and privacy and innovation.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 11, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 15, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **National Security.** On Tuesday, March 12, 2013 at 10:00 a.m. in Room 216 of the Senate Hart Office Building, FBI Director Robert S. Mueller III will testify before the Senate Select Committee on Intelligence at an open hearing titled, "Current and Projected National Security Threats to the United States." Also testifying will be James R. Clapper, Director of National Intelligence; John O. Brennan, Director of the Central Intelligence Agency; Lt. Gen. Michael T. Flynn, Director of the Defense Intelligence Agency; Matthew G. Olsen, Director of the Nation Counterterrorism Center; and Philip S. Goldberg, Assistant Secretary of State for Intelligence and Research.
2. **FOIA.** On Wednesday, March 13, 2013 at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building, Melanie Pustay, Director of the Office of Information Policy, will testify before the Senate Judiciary Committee at a hearing titled, "We the People: Fulfilling the Promise of Open Government Five Years After The OPEN Government Act."
3. **Cyber Security.** On Wednesday, March 13, 2013 at 11:30 a.m. in Room 2237 of the Rayburn House Office Building, U.S. Attorney Jenny A. Durkan, United States Attorney for the Western District of Washington, and Richard A. McFeely, Executive Assistant Director of the Criminal, Cyber, Response Services Branch of the FBI, will testify before the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and

Investigations at a hearing titled, “Investigating and Prosecuting 21st Century Cyber Threats.”

B. Hearings of interest to the Department

1. **Litigation Abuses.** On Wednesday, March 13, 2013 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution and Civil Justice will hold a hearing titled “Examination of Litigation Abuses.”
2. **Transparency in Government.** On Wednesday, March 13, 2013 at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, “Addressing Transparency in the Federal Bureaucracy: Moving Toward a More Open Government.”
3. **Asbestos Claims.** On Wednesday, March 13, 2013 at 2:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law will hold a hearing on H.R. 982 the, “Furthering Asbestos Claim Transparency (FACT) Act.”
4. **Patent Litigation.** On Thursday, March 14, 2013 at 11:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “Abusive Patent Litigation: The Impact on American Innovation and Jobs and Potential Solutions.”
5. **Immigration.** On Thursday, March 14, 2013 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will hold a hearing titled, “The Separation of Nuclear Families under U.S. Immigration Law.”

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Karol V. Mason, to be the Assistant Attorney General for the Office of Justice Programs.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Joan Halligan, DC Circuit; Patty Shwartz, Third Circuit; Ketanji Brown Jackson, D DC; Raymond P. Moore, D CO; Troy L. Nunley, ED CA; Beverly Reid O'Connell, CD CA; Analisa Torres, SD NY; Derrick Kahala Watson, D HI; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; and Nelson Stephen Roman, SD NY.

On Tuesday, March 6, a motion to invoke cloture on the nomination of Caitlin Joan Halligan, DC Circuit, was not agreed to.

On Monday, March 11, the Senate voted to confirm the following nominations: Richard Gary Taranto, Federal Circuit and Andrew Patrick Gordon, D NV.

On Tuesday, March 12, the Senate Judiciary Committee is scheduled to consider the following nominations: Sheri Polster Chappell, MD FL; Michael J. McShane D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl ED PA; and Kenneth John Gonzales, D NM.

On Thursday, March 14, the Senate Judiciary Committee is scheduled to consider the following nominations: Kenneth John Gonzales, D NM. (if he is not considered on Tuesday, March 12).

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **Electronic Privacy Communications Act (EPCA).** On Thursday, March 14, 2013 at 1:00 p.m. in Room 2137 of the Rayburn House Office Building, Richard Downing of the Computer Crime and Intellectual Property Section of the Criminal Division, Kathy Toomey of the Civil Rights Division, Scott Glick of the National Security Division, and Steve Siger of the Office of Legal Policy will brief House Judiciary Committee staff on ECPA.
2. **Background Checks.** On Thursday, March 14, 2013 (location and time TBD), representatives of the FBI and the Office of the Deputy Attorney General will brief Senator Kirk regarding NICS background checks.

E. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Tuesday, March 12, 2013, at 10:15 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will markup the following legislation:
 - S. 374, the “Protecting Responsible Gun Sellers Act of 2013.”
 - S. 146, the “School Safety Enhancements Act of 2013,” a bill to enhance the safety of America’s schools.”
2. **Senate Judiciary Committee.** On Thursday, March 14, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will continue marking up the following legislation:
 - S. 150, the “Assault Weapons Ban of 2013,” a bill to regulate assault weapons, and for other purposes.

- S. 374, the “Protecting Responsible Gun Sellers Act of 2013.” (if not completed on 3/12)
- S. 146, the “School Safety Enhancements Act of 2013,” a bill to enhance the safety of America’s schools.” (if not completed on 3/12)

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 803, the “Supporting Knowledge and Investing in Lifelong Skills (SKILLS) Act.”
 - H.R. 890, the “Work Requirements for Welfare Programs Act of 2013.”
 - H.R. 749, the “Eliminate Privacy Notice Confusion Act.”
 - H.R. 1035, a bill to require a study of voluntary community-based flood insurance options and how such options could be incorporated into the national flood insurance program, and for other purposes.

G. Looking Ahead

1. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with the Senate Judiciary Committee and other senators engaged in efforts to formulate comprehensive immigration reform proposals.
2. **Electronic Communications Privacy Act.** The House Judiciary Committee will begin hearings on March 19 to consider whether changes should be made to ECPA. We also anticipate that in the coming weeks Chairman Leahy will resume his efforts to enact ECPA reform legislation. Meanwhile, we continue to work within the interagency process to clear an Administration position that strikes an appropriate balance between law enforcement needs and privacy and innovation.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 12, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 15, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **National Security.** On Tuesday, March 12, 2013 at 10:00 a.m. in Room 216 of the Senate Hart Office Building, FBI Director Robert S. Mueller III will testify before the Senate Select Committee on Intelligence at an open hearing titled, "Current and Projected National Security Threats to the United States." Also testifying will be James R. Clapper, Director of National Intelligence; John O. Brennan, Director of the Central Intelligence Agency; Lt. Gen. Michael T. Flynn, Director of the Defense Intelligence Agency; Matthew G. Olsen, Director of the Nation Counterterrorism Center; and Philip S. Goldberg, Assistant Secretary of State for Intelligence and Research.
2. **FOIA.** On Wednesday, March 13, 2013 at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building, Melanie Pustay, Director of the Office of Information Policy, will testify before the Senate Judiciary Committee at a hearing titled, "We the People: Fulfilling the Promise of Open Government Five Years After The OPEN Government Act."
3. **Cyber Security.** On Wednesday, March 13, 2013 at 11:30 a.m. in Room 2237 of the Rayburn House Office Building, U.S. Attorney Jenny A. Durkan, United States Attorney for the Western District of Washington, and Richard A. McFeely, Executive Assistant Director of the Criminal, Cyber, Response Services Branch of the FBI, will testify before the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and

Investigations at a hearing titled, “Investigating and Prosecuting 21st Century Cyber Threats.”

B. Hearings of interest to the Department

1. **Litigation Abuses.** On Wednesday, March 13, 2013 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution and Civil Justice will hold a hearing titled “Examination of Litigation Abuses.”
2. **Transparency in Government.** On Wednesday, March 13, 2013 at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, “Addressing Transparency in the Federal Bureaucracy: Moving Toward a More Open Government.”
3. **Asbestos Claims.** On Wednesday, March 13, 2013 at 2:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law will hold a hearing on H.R. 982 the, “Furthering Asbestos Claim Transparency (FACT) Act.”
4. **Patent Litigation.** On Thursday, March 14, 2013 at 11:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “Abusive Patent Litigation: The Impact on American Innovation and Jobs and Potential Solutions.”
5. **Immigration.** On Thursday, March 14, 2013 at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will hold a hearing titled, “The Separation of Nuclear Families under U.S. Immigration Law.”

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Karol V. Mason, to be the Assistant Attorney General for the Office of Justice Programs.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Caitlin Joan Halligan, DC Circuit; Patty Shwartz, Third Circuit; Ketanji Brown Jackson, D DC; Raymond P. Moore, D CO; Troy L. Nunley, ED CA; Beverly Reid O'Connell, CD CA; Analisa Torres, SD NY; Derrick Kahala Watson, D HI; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; and Nelson Stephen Roman, SD NY.

On Tuesday, March 6, a motion to invoke cloture on the nomination of Caitlin Joan Halligan, DC Circuit, was not agreed to.

On Monday, March 11, the Senate voted to confirm the following nominations: Richard Gary Taranto, Federal Circuit and Andrew Patrick Gordon, D NV.

On Tuesday, March 12, the Senate Judiciary Committee is scheduled to consider the following nominations: Sheri Polster Chappell, MD FL; Michael J. McShane D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl ED PA; and Kenneth John Gonzales, D NM.

On Thursday, March 14, the Senate Judiciary Committee is scheduled to consider the following nominations: Kenneth John Gonzales, D NM. (if he is not considered on Tuesday, March 12).

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **Electronic Privacy Communications Act (EPCA).** On Thursday, March 14, 2013 at 1:00 p.m. in Room 2137 of the Rayburn House Office Building, Richard Downing of the Computer Crime and Intellectual Property Section of the Criminal Division, Kathy Toomey of the Civil Rights Division, Scott Glick of the National Security Division, and Steve Siger of the Office of Legal Policy will brief House Judiciary Committee staff on ECPA.
2. **Background Checks.** On Thursday, March 14, 2013 (location and time TBD), representatives of the FBI and the Office of the Deputy Attorney General will brief Senator Kirk regarding NICS background checks.

E. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Tuesday, March 12, 2013, at 10:15 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will markup the following legislation:
 - S. 374, the “Protecting Responsible Gun Sellers Act of 2013.”
 - S. 146, the “School Safety Enhancements Act of 2013,” a bill to enhance the safety of America’s schools.”
2. **House Judiciary Committee.** On Thursday, March 14, 2013, at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will markup the following legislation:
 - H.R. ____, to enact title 36, United States Code, “Patriotic and National Observances, Ceremonies, and Organizations,” as positive law.

- H.R. ____, to enact title 54, United States Code, “National Park System,” as positive law.
 - H.R. 258, the “Stolen Valor Act of 2013.”
 - H.R. ____, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2013.”
3. **Senate Judiciary Committee.** On Thursday, March 14, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will continue marking up the following legislation:
- S. 150, the “Assault Weapons Ban of 2013,” a bill to regulate assault weapons, and for other purposes.
 - S. 374, the “Protecting Responsible Gun Sellers Act of 2013.” (if not completed on 3/12)
 - S. 146, the “School Safety Enhancements Act of 2013,” a bill to enhance the safety of America’s schools.” (if not completed on 3/12)

F. Floor

1. The House is scheduled to take up the following legislation:
- H.R. 803, the “Supporting Knowledge and Investing in Lifelong Skills (SKILLS) Act.”
 - H.R. 890, the “Work Requirements for Welfare Programs Act of 2013.”
 - H.R. 749, the “Eliminate Privacy Notice Confusion Act.”
 - H.R. 1035, a bill to require a study of voluntary community-based flood insurance options and how such options could be incorporated into the national flood insurance program, and for other purposes.

G. Looking Ahead

1. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with the Senate Judiciary Committee and other senators engaged in efforts to formulate comprehensive immigration reform proposals.
2. **Electronic Communications Privacy Act.** The House Judiciary Committee will begin hearings on March 19 to consider whether changes should be made to ECPA. We also anticipate that in the coming weeks Chairman Leahy will resume his efforts to enact ECPA reform legislation. Meanwhile, we continue to work within the interagency process to clear an Administration position that strikes an appropriate balance between law enforcement needs and privacy and innovation.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 18, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Judith C. Appelbaum
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending March 22, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Electronic Communications Privacy Act (ECPA).** On Tuesday, March 19, 2013, at 10:00 a.m. in Room 2237 of the Rayburn House Office Building, Elana Tyrangiel, Acting Assistant Attorney General, Office of Legal Policy, will testify before the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations at a hearing titled, "ECPA Part 1: Lawful Access to Stored Content."

B. Hearings of interest to the Department

1. **Immigration Reform.** On Monday, March 18, 2013, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, "How Comprehensive Immigration Reform Should Address the Needs of Women and Families."
2. **Airline Merger.** On Tuesday, March 19, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a hearing titled, "The American Airlines/US Airways Merger: Consolidation, Competition and Consumers."

3. **Tribal Affairs.** On Tuesday, March 19, 2013, at 11:00 a.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Subcommittee on Indian and Alaska Native Affairs, will hold a hearing titled, “Authorization, Standards and Procedures for Whether, How and When Indian Tribes Should be Newly Recognized by the Federal Government: Perspective of the Department of Interior.”
4. **Immigration Enforcement.** On Tuesday, March 19, 2013, at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, “The Release of Criminal Detainees by U.S. Immigration and Customs Enforcement: Policy or Politics?”
5. **Domestic Use of Drones.** On Wednesday, March 20, 2013, at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, “The Future of Drones in America: Law Enforcement and Privacy Considerations.”
6. **Immigration and American Values.** On Wednesday, March 20, 2013, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, “Building an Immigration System Worthy of American Values.”
7. **Intellectual Property.** On Wednesday, March 20, 2013, at 3:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “The Register’s Call for Updates to U.S. Copyright Law.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General; B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Karol V. Mason, to be the Assistant Attorney General for the Office of Justice Programs.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Sherri Polster Chappell, MD FL; Michael J. McShane, D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl, ED PA; Caitlin Joan Halligan, DC Circuit; Patty Shwartz, Third Circuit; Ketanji Brown Jackson, D DC; Raymond P. Moore, D CO; Troy L. Nunley, ED CA; Beverly Reid O’Connell, CD CA; Analisa Torres, SD NY; Derrick Kahala Watson, D HI; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; and Nelson Stephen Roman, SD NY.

On Tuesday, March 19, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Gregory Alan Phillips, Tenth Circuit and Karol V. Mason, to be Assistant Attorney General for the Office of Justice Programs.

On Thursday, March 21, the Senate Judiciary Committee is scheduled to consider the following nominations: Jane Kelly, Eighth Circuit; and Kenneth John Gonzales, D NM.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Committee Markups

1. **House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law.** On Wednesday, March 20, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law will markup the following legislation:
 - H.R. 367, the “Regulations from the Executive in Need of Scrutiny Act of 2013.”
 - H.R. 982, the “Furthering Asbestos Claim Transparency (FACT) Act of 2013.”

E. Briefings

1. **Identity Fraud.** On Thursday, March 21, 2013, at 4:30 p.m. in Room G-31 of the Dirksen Senate Office Building, Eileen Shatz, Counselor to the Assistant Attorney General, Tax Division, will brief Senate Aging Committee staff on stolen identify refund fraud.

F. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 933, the “Department of Defense, Military Construction and Veterans Affairs and Full-Year Continuing Appropriations Act of 2013.”
2. The Senate is scheduled to take up the following legislation:
 - H.R. 933, the “Department of Defense, Military Construction and Veterans Affairs and Full-Year Continuing Appropriations Act of 2013.”

G. Looking Ahead

1. **Firearms.** The Senate Judiciary Committee has now reported legislation on gun trafficking, assault weapons, expanded background checks, and school safety grants. The full Senate may take up some or all of this legislation when Congress returns from recess the week of April 8.
2. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with

the Senate Judiciary Committee and other senators engaged in efforts to formulate comprehensive immigration reform proposals.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 8, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 12, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Campaign Finance.** On Tuesday, April 9, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Mythili Raman, Acting Assistant Attorney General, Criminal Division, will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing titled, "Current Issues in Campaign Finance Law Enforcement."
2. **Spending Oversight.** On Wednesday, April 10, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Lee J. Lofthus, Assistant Attorney General, Justice Management Division, will testify before the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations at a hearing on spending at the Department of Justice.
3. **Tax Fraud.** On Wednesday, April 10, 2013, at 2:00 p.m. in Room 562 of the Dirksen Senate Office Building, Kathryn Keneally, Assistant Attorney General, Tax Division, will testify before the Senate Special Committee on Aging at a hearing titled, "Tax-Related Identity Theft: An Epidemic Facing Seniors and Taxpayers."
4. **Worldwide Threats.** On Thursday, April 11, 2013, at 10:00 a.m. in Room 210 of the Capitol Visitor Center, Robert S. Mueller, III, Director, Federal Bureau of Investigation, will testify before the House Permanent Select Committee on Intelligence at a hearing on worldwide threats. Also testifying will be James R. Clapper, Director of National

Intelligence; John O. Brennan, Director, Central Intelligence Agency; and Lt. Gen. Michael T. Flynn, Director, Defense Intelligence Agency.

5. **DEA Budget.** On Friday, April 12, 2013, at 2:00 p.m. in Room 2359 of the Rayburn House Office Building, Michele M. Leonhart, Administrator, Drug Enforcement Administration, will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on DEA's FY 2014 budget.

B. Hearings of interest to the Department

1. **Border Security.** On Wednesday, April 10, 2013, at 9:30 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland and Governmental Affairs Committee will hold a hearing titled, "Border Security: Frontline Perspectives on Progress and Remaining Challenges."

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General (hearing presently scheduled for May 22); B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (hearing presently scheduled for April 24); Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Stuart F. Delery to be the Assistant Attorney General for the Civil Division (hearing presently scheduled for May 22).

On Thursday, April 11, the Senate Judiciary Committee is scheduled to consider the nomination of Karol V. Mason, to be the Assistant Attorney General for the Office of Justice Programs.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Sherri Polster Chappell, MD FL; Michael J. McShane, D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl, ED PA; Ketanji Brown Jackson, D DC; Raymond P. Moore, D CO; Troy L. Nunley, ED CA; Beverly Reid O'Connell, CD CA; Analisa Torres, SD NY; Derrick Kahala Watson, D HI; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; Jane Kelly, Eight Circuit, and Nelson Stephen Roman, SD NY.

On Friday, March 22, President Obama withdrew the nomination of Caitlin Joan Halligan, DC Circuit.

On Tuesday, April 9, the Senate is expected to consider the nomination of Patty Shwartz, Third Circuit.

On Wednesday, April 10, the Senate Judiciary Committee is scheduled to hold a hearing on the following nomination: Srikanth Srinivasan to be U.S. Circuit Judge for the District of Columbia.

On Thursday, April 11, the Senate Judiciary Committee is scheduled to consider the following nominations: Kenneth John Gonzales, D NM; and Gregory Alan Phillips, Tenth Circuit.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **FY 2014 Budget.** On Thursday, April 11, 2013, at 10:15 a.m. in Room 309 of the Capitol, the Justice Management Division will brief the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, on FY 2014 Department of Justice Budget.
2. **FY 2014 Budget.** On Thursday, April 11, 2013, at 3:30 p.m. in Room 124 of the Dirksen Senate Office Building, the Justice Management Division will brief the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, on FY 2014 Department of Justice Budget.

E. Floor

1. The House is scheduled to take up the following legislation:
 - H.R. 254, the “Bonneville Unit Clean Hydropower Facilitation Act,” a bill to authorize the secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.
 - H.R. 291, the “Black Hills Cemetery Act,” a bill to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota.
 - H.R. 1033, the, “American Battlefield Protection Program Amendments Act of 2013,” a bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.
 - H.R. 678, the “Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act,” a bill to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.
 - H.R. 1120, the “Preventing Great Uncertainty in Labor-Management Relations Act,” a bill to prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme

Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress.

F. Looking Ahead

1. **Firearms.** The Senate Judiciary Committee has now reported legislation on gun trafficking, assault weapons, expanded background checks, and school safety grants. The full Senate may take up a leadership package including elements of this legislation in the coming days.
2. **Immigration Reform.** The Department is working closely with the White House on an Administration package of legislative proposals. We also are keeping in close touch with the Senate Judiciary Committee and other senators engaged in efforts to formulate comprehensive immigration reform proposals.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 15, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 19, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Antitrust.** On Tuesday, April 16, 2013, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, William J. Baer, Assistant Attorney General, Antitrust Division, will testify before the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights at a hearing titled, "Oversight of the Enforcement of the Antitrust Laws."
2. **Bureau of Prisons Budget.** On Wednesday, April 17, 2013, at 10:30 a.m. in Room H-309 of the Capitol Building, Charles E. Samuels, Jr., Director, Federal Bureau of Prisons, will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on proposed fiscal 2014 appropriations for the Bureau of Prisons.
3. **Department of Justice Budget.** On Thursday, April 18, 2013, at 2:00 p.m. in Room 2359 of the Rayburn House Office Building, the Attorney General will testify before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies at a hearing on proposed fiscal 2014 appropriations for the Department of Justice.

B. Hearings of interest to the Department

1. **Oversight of the Civil Rights Division.** On Tuesday, April 16, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on the management of the Civil Rights Division of the Department of Justice.
2. **Patent Litigation.** On Tuesday, April 16, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “Abusive Patent Litigation: The Issues Impacting American Competitiveness and Job Creation at the International Trade Commission and Beyond.”
3. **Immigration.** On Wednesday, April 17, 2013, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, “Hearing on Comprehensive Immigration Reform Legislation.” Janet Napolitano, Secretary of the Department of Homeland Security, will testify.
4. **Property Rights.** On Thursday, April 18, 2013, at 9:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution and Civil Justice will hold a hearing on the Private Property Rights Protection Act.
5. **Human Trafficking.** On Thursday, April 18, 2013, at 1:00 p.m. in Room 2172 of the Rayburn House Office Building, the House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights and International Organizations will hold a hearing titled, “Foreign Government Human Trafficking Tier Rankings.”

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General (hearing presently scheduled for May 22); B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Stuart F. Delery to be the Assistant Attorney General for the Civil Division (hearing presently scheduled for May 22).

On Thursday, April 18, the Senate Judiciary Committee is scheduled to consider the nomination of Karol V. Mason to be the Assistant Attorney General for the Office of Justice Programs.

On Thursday, April 18, the Senate Committee on Health, Education, Labor, and Pensions will hold a hearing on the nomination of Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, to be Secretary for the Department of Labor.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Sherri Polster Chappell, MD FL; Michael J. McShane, D OR;

Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl, ED PA; Ketanji Brown Jackson, D DC; Raymond P. Moore, D CO; Troy L. Nunley, ED CA; Analisa Torres, SD NY; Derrick Kahala Watson, D HI; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; Jane Kelly, Eight Circuit; Kenneth J. Gonzales D NM; and Nelson Stephen Roman, SD NY.

On Monday, April 15, the Senate voted to confirm the following nomination: Beverly Reid O'Connell, CD CA.

At a time to be determined later this week, the Senate is expected to consider the following nominations: Derrick Kahala Watson, D HI; and Analisa Torres, SD NY.

On Thursday, April 18, the Senate Judiciary Committee is scheduled to consider the following nomination: Gregory Alan Phillips, Tenth Circuit.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **Jamaican Lottery Scams.** On Tuesday, April 16, 2013, at 9:00 a.m. in Room 716 of the Hart Senate Building, Maame Ewusi-Mensah, Deputy Assistant Attorney General, will brief Senator Bill Nelson and Senator Susan Collins on enforcement efforts against Jamaican Lottery scams.
2. **Tribal Budget.** This week, at a date and time yet to be determined, the Department will provide a staff-level briefing to the Senate Committee on Indian Affairs regarding the Department's budget for tribal programs.

E. Floor

1. The Senate is scheduled to take up the following legislation:
 - S.649, the "Safe Communities, Safe Schools Act of 2013," a bill to require background checks for all firearms sales, prohibit straw purchases of firearms, and expand the COPS grant program.
2. The House is scheduled to take up the following legislation:
 - H.R. 249, the "Federal Employee Tax Accountability Act of 2013," a bill to amend Title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.
 - H.R. 882, the "Contracting and Tax Accountability Act of 2013," a bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the

agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes.

- H.R. 1246, the “District of Columbia Chief Financial Officer Vacancy Act,” a bill to amend the District of Columbia Home Rule Act to provide that the District of Columbia Treasurer or one of the Deputy Financial Officers of the Office of the Chief Financial Officer of the District of Columbia may perform the functions and duties of the office in an acting capacity if there is a vacancy in the office.
- H.R. 1162, the “Government Accountability Office Improvement Act,” a bill to amend title 31, United States Code, to make improvements in the Government Accountability Office.
- H.R. 1163, the “Federal Information Security Amendments Act of 2013,” a bill to amend the Federal Information Security Management Act of 2002 (FISMA) to reestablish the oversight authority of the Director of the Office of Management and Budget (OMB) with respect to agency information and security policies and practices.
- H.R. 756, the “Cybersecurity Enhancement Act of 2013,” a bill to advance cybersecurity research, development, and technical standards, and for other purposes.
- H.R. 967, the “Advancing America’s Networking and Information Technology Research and Development Act of 2013,” a bill to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes.
- H.R. 624, the “Cyber Intelligence Sharing and Protection Act,” a bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes.

F. Looking Ahead

1. **Immigration Reform.** Members of the “Gang of Eight” are expected to introduce their package of legislative proposals as early as Tuesday of this week. The Senate Judiciary Committee plans to mark up the legislation in early May.
2. **ECPA Reform.** The Senate Judiciary Committee may mark up ECPA legislation on April 25. The House Judiciary Committee is expected to hold further hearings on ECPA reform in the coming weeks.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 22, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending April 26, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings of interest to the Department

1. **Immigration, Pt. 1.** On Monday, April 22, 2013, at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, "The Border Security, Economic Opportunity, and Immigration Modernization Act, S.744."
2. **Immigration, Pt. 2.** On Tuesday, April 23, 2013, at 9:30 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, "The Border Security, Economic Opportunity, and Immigration Modernization Act, S.744." The Secretary of the Department of Homeland Security, Janet Napolitano, will testify.
3. **Targeted Killing.** On Tuesday, April 23, 2013, at 4:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights will hold a hearing titled, "Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killing."
4. **Tribal Programs Budget.** On Wednesday, April 24, 2013, at 2:30 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Committee on Indian Affairs will hold a hearing on proposed fiscal 2014 appropriations for tribal programs. The Department will submit a statement for the record.

5. **Electronic Communications Privacy Act (ECPA).** On Thursday, April 25, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations will hold a hearing titled, “The Electronic Communications Privacy Act (ECPA), Part 2: Geolocation Privacy and Surveillance.”
6. **Victims’ Rights Amendment.** On Thursday, April 25, 2013, at 11:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution and Civil Justice will hold a hearing on a proposed amendment to the Constitution regarding the rights of crime victims.
7. **Judicial Conduct and Disability System.** On Thursday, April 25, 2013, at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “An Examination of the Judicial Conduct and Disability System.”
8. **Cybersecurity.** On Thursday, April 25, 2013, at 2:00 p.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies will hold a hearing titled, “Striking the Right Balance: Protecting Our Nation’s Critical Infrastructure from Cyber Attack and Ensuring Privacy and Civil Liberties.”

B. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General (hearing presently scheduled for May 22); B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a Member of the Foreign Claims Settlement Commission; and Stuart F. Delery to be the Assistant Attorney General for the Civil Division (hearing presently scheduled for May 22).

The following Department nominations are pending on the Senate Executive Calendar: Karol V. Mason, Assistant Attorney General for the Office of Justice Programs.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Sherri Polster Chappell, MD FL; Michael J. McShane, D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl, ED PA; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; Kenneth John Gonzales D NM; Gregory Alan Phillips, Tenth Circuit; and Nelson Stephen Roman, SD NY.

On Wednesday, April 24, 2013, the Senate Judiciary Committee is scheduled to consider the following nominations: Raymond T. Chen, Federal Circuit; and Jennifer A. Dorsey, D NV.

At a time to be determined later this week, the Senate is expected to consider the following nomination: Jane Kelly, Eighth Circuit.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

C. **Committee Markups & Business Meetings**

1. **Senate Judiciary Committee.** On Thursday, April 25, 2013, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S.607, the “Electronic Communications Privacy Act Amendments Act of 2013,” a bill to improve the provisions relating to the privacy of electronic communications.
 - S. 744, the “The Border Security, Economic Opportunity, and Immigration Modernization Act,” a bill to provide comprehensive immigration reform, and for other purposes.

D. **Briefings**

1. **Boston Marathon Bombings.** At dates and times to be determined, the FBI will participate in one or more interagency briefings for House and Senate members related to the April 15 attacks in Boston.
2. **Budget Briefing.** On Tuesday, April 23, 2013, at 2:00 p.m. at a location yet to be determined, representatives from the Justice Management Division’s Budget staff will brief Senate Judiciary staff on the DOJ FY2014 budget.
3. **Foreign Investment and National Security.** On Thursday, April 25, 2013, at 4:00 p.m. in Room HVC 304 of the Capitol Visitor Center, representatives from the National Security Division and the FBI will provide a classified briefing for staff members from the House Permanent Select Committee on Intelligence on the impact of foreign investments on national security.

E. **Floor**

1. The Senate is scheduled to take up the following legislation:
 - S.743, a bill to allow states to enforce state and local sales tax laws on internet purchases, and for other purposes.
2. The House is scheduled to take up the following legislation:
 - H.R. 1549, the “Helping Sick Americans Now Act,” a bill to transfer funds from the Prevention and Public Health Fund to carry out the temporary high risk health

insurance pool program for H2025 individuals with preexisting conditions, and for other purposes.

- H.R. 527, the “Responsible Helium Administration and Stewardship Act,” a bill to amend the Helium Act to complete the privatization of the federal helium reserve.

F. Looking Ahead

1. **Immigration Reform.** On April 16, Sen. Charles Schumer and seven cosponsors introduced S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. The Senate Judiciary Committee plans to mark up the legislation beginning in early May.
2. **ECPA Reform.** As noted above, the Senate Judiciary Committee will mark up ECPA legislation on April 25 and the House Judiciary Committee will hold its second hearing on ECPA on the same date. We anticipate that the Senate bill will move quickly to the floor and that the House Judiciary Committee will develop its own legislation over the coming weeks.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 6, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 10, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Cyber Threats.** On Wednesday, May 8, 2013, at 9:00 a.m. in Room 226 of the Dirksen Senate Office Building, Jenny Durkin, U.S. Attorney for the Western District of Washington, and Joseph Demarest, the Assistant Director for the Cyber Division of the FBI, will testify before the Senate Judiciary Subcommittee on Crime and Terrorism at a hearing titled, "Cyber Threats: Law Enforcement and Private Sector Responses."

B. Hearings of interest to the Department

1. **Magner v. Gallagher.** On Tuesday, May 7, at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution and Civil Justice and the House Oversight and Government Reform Subcommittee on Economic Growth, Job Creation and Regulatory Affairs will hold a joint hearing on the role of the Department of Justice in a Supreme Court case involving the city of St. Paul, Minnesota.
2. **Border Security.** On Tuesday, May 7, 2013, at 10:30 a.m. in Room 342 of the Dirksen Senate Office Building, the Homeland Security and Governmental Affairs Committee will hold a hearing titled, "Border Security: Examining Provisions in the Border Security, Economic Opportunity and Immigration Modernization Act."

3. **Benghazi Attacks.** On Wednesday, May 8, 2013, at 11:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing on the September 11, 2012, attacks in Benghazi, Libya.
4. **Boston Marathon Bombings.** On Thursday, May 9, 2013, at 9:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing titled, “The Boston Bombings: A First Look.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General (hearing presently scheduled for May 22); B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a Member of the Foreign Claims Settlement Commission; and Stuart F. Delery to be the Assistant Attorney General for the Civil Division (hearing presently scheduled for May 22).

On Wednesday, May 8, 2013, the Senate Judiciary Committee is scheduled to consider the following nominations: William H. Pryor, Jr., U.S. Sentencing Commission; and Rachel Elise Barkow, U.S. Sentencing Commission.

On Wednesday, May 8, 2013, the Senate Committee on Health, Education, Labor, and Pensions will hold a hearing on the nomination of Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, to be Secretary for the Department of Labor.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Sherri Polster Chappell, MD FL; Michael J. McShane, D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl, ED PA; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; Kenneth John Gonzales D NM; Gregory Alan Phillips, Tenth Circuit; and Nelson Stephen Roman, SD NY.

On Wednesday, May 8, 2013, the Senate Judiciary Committee is scheduled to consider the following nominations: Patricia E. Campbell-Smith, Federal Circuit.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. **Briefings**

1. **FY 2014 DOJ Budget Briefing.** On Monday, May 6, 2013, at 2:00 p.m. in Room 2237 of the Rayburn House Office Building, representatives from the Justice Management Division will brief staff of the House Judiciary Committee on the Department’s FY 2014 budget.

2. **False Claims Act Briefing.** On Wednesday, May 8, 2013, at 10:30 a.m. in Room 432 of the Hart Senate Office Building, representatives from the Fraud Section of the Civil Division will brief staff of the Homeland Security and Governmental Affairs Subcommittee on Financial & Contracting Oversight regarding the Department's work relating to the False Claims Act.

E. Committee Markups & Business Meetings

1. **House Judiciary Committee.** On Tuesday, May 7, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building the House Judiciary Committee will mark up the following legislation:
 - H.R. 180, the "National Blue Alert Act of 2013," a bill to enhance Blue Alert plans throughout the United States.
 - H. Res. 196, a resolution supporting the Sixth Amendment to the United States Constitution, the right to counsel.
 - A resolution to create an over-criminalization task force.
2. **Senate Judiciary Committee.** On Thursday, May 9, 2013, at 9:30 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 744, the "The Border Security, Economic Opportunity, and Immigration Modernization Act," a bill to provide comprehensive immigration reform, and for other purposes.

F. Floor

1. The Senate is expected to take up the following legislation:
 - S.743, a bill to allow states to enforce state and local sales tax laws on internet purchases, and for other purposes.
2. The House is scheduled to take up the following legislation:
 - H.R. 1406, the "Working Families Flexibility Act of 2013," a bill to allow private-sector employers to provide the option of comp time instead of overtime pay.
 - H.R. 807, the "Full Faith and Credit Act," a bill to allow the Treasury Department, once the statutory debt limit is reached, to continue borrowing above that limit in order to pay the principal and interest on both government debt held by the public and on obligations from the Social Security trust fund.

G. Looking Ahead

1. **Immigration Reform.** This week the Senate Judiciary Committee begins its markup of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act,

a bipartisan package of legislative proposals to provide for comprehensive immigration reform. We anticipate an extended markup as the committee considers a large number of amendments to the 844-page bill. The House Judiciary Committee is expected to take up a number of more modest immigration measures in the coming weeks, although a bipartisan group of representatives continues to work on a comprehensive bill.

2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation but it is uncertain when it will be ready for introduction.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 14, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 17, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Accessibility of Entertainment Technology.** On Tuesday, May 14, 2013, at 2:30 p.m. in Room 430 of the Dirksen Senate Office Building, Eve Hill, Senior Counselor to the Assistant Attorney General for Civil Rights, will testify before the Senate Committee on Health, Education, Labor, and Pensions at a hearing titled, "The ADA and Entertainment Technologies: Improving Accessibility from the Movie Screen to Your Mobile Device."
2. **Oversight of the Department of Justice.** On Wednesday, May 15, 2013, at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the Attorney General will testify before the House Judiciary Committee in a hearing titled, "Oversight of the United States Department of Justice."
3. **FBI Budget.** On Thursday, May 16, 2013, at 10:00 a.m. in Room 192 of the Dirksen Senate Office Building, Robert S. Mueller, III, the Director of the FBI, will testify before the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies in a hearing titled, "Fiscal Year 2014 budget request for the Federal Bureau of Investigation." A closed session will follow at 11:15 a.m. in Room 217 of the Senate Visitor Center.

B. Hearings of interest to the Department

1. **Dodd-Frank Act.** On Wednesday, May 15, 2013, at 10:00 a.m. in Room 2128 of the Rayburn House Office Building, the Financial Services Subcommittee on Oversight and Investigations will hold a hearing to examine Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act.
2. **Copyright Principles Project.** On Thursday, May 16, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “A Case Study for Consensus Building: The Copyright Principles Project.”
3. **Legal Workforce Act.** On Thursday, May 16, 2013, immediately following its 10:00 a.m. markup of immigration relief bills, in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will hold a hearing on H.R. 1772, the Legal Workforce Act.
4. **Agriculture Guestworker Act.** On Thursday, May 16, 2013, immediately following its hearing on the Legal Workforce Act, in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will hold a hearing on H.R. 1773, the Agriculture Guestworker Act.
5. **Domestic Use of Drones.** On Friday, May 17, 2013, at 9:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations will hold a hearing titled, “Eyes in the Sky: The Domestic Use of Unmanned Aerial Systems.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General (hearing presently scheduled for May 22); B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; Sylvia M. Becker, to be a Member of the Foreign Claims Settlement Commission; and Stuart F. Delery to be the Assistant Attorney General for the Civil Division (hearing presently scheduled for May 22).

On Thursday, May 16, 2013, the Senate Committee on Health, Education, Labor, and Pensions will hold a hearing on the nomination of Thomas E. Perez, Assistant Attorney General for the Civil Rights Division, to be Secretary of the Department of Labor.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Sherri Polster Chappell, MD FL; Michael J. McShane, D OR; Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl, ED PA; Shelly Deckert Dick, MD LA; William H. Orrick, III, ND CA; Kenneth John Gonzales D NM; Gregory Alan Phillips, Tenth Circuit; and Nelson Stephen Roman, SD NY.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. On Monday, May 13, 2013, at 4:00 p.m. in Room 2220 of the Rayburn House Office Building, representatives from the Criminal Division and the Office of the Deputy Attorney General provided a briefing for staff on the House Financial Services Committee on issues related to enforcement efforts pertaining to financial institutions.
2. On Tuesday, May 14, 2013, at 2:30 p.m. in Room 534 of the Dirksen Senate Office Building, representatives from the Criminal Division and the Office of the Deputy Attorney General will provide a briefing for staff on the Senate Banking Committee on issues related to enforcement efforts pertaining to financial institutions.

E. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Tuesday, May 14, 2013, at 10:00 a.m. in Room G-50 of the Dirksen Senate Office Building, and on Thursday, May 16, 2013 at a time and location to be determined, the Senate Judiciary Committee will resume its markup of the following legislation:
 - S. 744, the “The Border Security, Economic Opportunity, and Immigration Modernization Act,” a bill to provide comprehensive immigration reform, and for other purposes.
2. **House Judiciary Committee.** On Thursday, May 16, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will mark up the following legislation:
 - H.R. 306, a bill for the relief of Corina de Chalup Turcinovic.
 - H.R. 977, a bill for the relief of Esther Karinge.
 - H.R. 1023, a bill for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas.
 - H.R. 1207, a bill for the relief of Allan Bolor Kelley.

E. Floor

1. The Senate is scheduled to take up the following legislation:
 - S. 601, the “Water Resources Development Act of 2013,” A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.
2. The House is scheduled to take up the following legislation under suspension of the rules:

- H.R. 180, the “Blue Alert Act of 2013,” a bill to encourage Blue Alert Plans throughout the United States.
- H.R. 1580, a bill to affirm the policy of the United States regarding Internet governance.
- H.R. 701, a bill to amend a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to add a particular class of securities to those exempted under such Act to provide a deadline for such action.
- H.R. 384, the “Homes for Heroes Act of 2013,” a bill to establish the position of special assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes.
- H.R. 356, the “Hill Creek Cultural Preservation and Energy Development Act,” A bill to clarify authority granted under the act entitled, “An act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the state of Utah, and for other purposes.”
- H.R. 767, a bill to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project.
- H.R. 573, a bill to amend Public Law 93-435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa.

The House is also expected to consider the following legislation subject to a rule:

- H.R. 45, a bill to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.
- H.R. 1062, a bill to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders.

G. Looking Ahead

1. **Immigration Reform.** This week the Senate Judiciary Committee resumes its extended markup of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. The House Judiciary Committee is expected to take up a number of more modest immigration measures beginning this week, although a bipartisan group of representatives continues to work on a comprehensive bill.
2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation but it is uncertain when it will be ready for introduction.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 20, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending May 24, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

Prosecution of Large Financial Institutions. On Wednesday, May 22, 2013, at 2:00 p.m. in Room 2128 of the Rayburn House Office Building, Mythili Raman, Acting Assistant Attorney General for the Criminal Division, will testify before the House Financial Services Subcommittee on Oversight and Investigations on the Department's prosecutions of large financial institutions.

B. Hearings of interest to the Department

1. **Cybersecurity.** On Tuesday, May 21, 2013 at 10:00 a.m. in Room 2123 of the Rayburn House Office Building, the Energy and Commerce Committee will hold a hearing titled, "Cyber Threats and Security Solutions."
2. **501(c)(4) Applications.** On Tuesday, May 21, 2013 at 10:00 a.m. in Room 215 of the Dirksen Senate Office Building, the Senate Finance Committee will hold a hearing titled, "A Review of Criteria Used by the IRS to Identify 501(c)(4) Applications for Greater Scrutiny."
3. **IRS Tax-Exempt Investigation.** On Wednesday, May 22, 2013, at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government

Reform Committee will hold a hearing titled, “The IRS [Internal Revenue Service]: Targeting Americans for their Political Beliefs.”

4. **Protecting Constitutional Rights.** On Wednesday, May 22, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, “Protecting U.S. Citizens’ Constitutional Rights during the War on Terror.”
5. **Immigration Modernization Act.** On Wednesday, May 22, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, “S. 744 and the Immigration Reform and Control Act of 1986: Lessons Learned or Mistakes Repeated?”
6. **DC Unborn Child Protection Act.** On Thursday, May 23, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, “H.R. 1797, the ‘District of Columbia Pain-Capable Unborn Child Protection Act.’”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: Tony West, to be the Associate Attorney General (hearing presently scheduled for May 23); B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Stuart F. Delery to be the Assistant Attorney General for the Civil Division.

The following Department nominations are pending on the Senate Executive Calendar: Sylvia M. Becker, to be a Member of the Foreign Claims Settlement Commission.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl, ED PA; Kenneth John Gonzales, D NM; Gregory Alan Phillips, Tenth Circuit; Srikanth Srinivasan, DC Circuit; Raymond T. Chen, Fed. Circuit; and Jennifer A. Dorsey, D NV.

On Monday, May 20, 2013, the Senate voted to confirm the following nominations: Sheri Polster Chappell, MD FL; and Michael J. McShane, D OR.

3. **U.S. Attorneys.** To date, there have been no USA nominations in the 113th Congress.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

Foreign Investment. On Wednesday, May 22, 2013, at 3:30 p.m. in Room 304 of the House Visitor Center, James Walsh and Richard Sofield of the National Security Division and representatives of the FBI will brief House Permanent Select Committee on Intelligence staff on foreign investment in the U.S.

E. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Monday, May 20, 2013, at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Committee will resume its markup of the following legislation:
 - S. 744, the “The Border Security, Economic Opportunity, and Immigration Modernization Act,” a bill to provide comprehensive immigration reform, and for other purposes.
2. **House Judiciary Committee.** On Tuesday, May 21, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 982, the "Furthering Asbestos Claim Transparency (FACT) Act of 2013," a bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes.

E. Floor

1. The Senate is scheduled to take up the following legislation:
 - S. 954, the “Agriculture Reform, Food and Jobs Act of 2013,” a bill to reauthorize agricultural programs through 2018.
2. The House is scheduled to consider, under suspension of the rules, H.R. 1073, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2013,” which is strongly supported by the Administration.

The House also will take up the following legislation under suspension of the rules:

- H.R. 258, the “Stolen Valor Act of 2013,” a bill to amend Title 18, United States Code, with respect to fraudulent representations about having received military declarations or medals.
- H.R. 1412, the “Improving Job Opportunities for Veterans Act of 2013,” a bill to improve and increase the availability of on-job training and apprenticeship programs carried out by the secretary of Veterans Affairs, and for other purposes.
- H.R. 570, the “American Heroes COLA Act,” a bill to amend Title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans

with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans.

- H.R. 1344, the “Helping Heroes Fly Act,” A bill to amend Title 49, United States Code, to direct the assistant secretary of Homeland Security (Transportation Security Administration) to provide expedited air passenger screening to severely injured or disabled members of the armed forces and severely injured or disabled veterans, and for other purposes.
- H.R. 324, a bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.
- S. 982, the “Freedom to Fish Act,” A bill to prohibit the Corps of Engineers from taking certain actions to establish a restricted area prohibiting public access to waters downstream of a dam, and for other purposes.
- H.R. 271, the “Resolving Environmental and Grid Reliability Contracts Act of 2013,” a bill to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any federal, state, or local environmental law or regulation, and for other purposes.
- H.R. 1949, the “Improving Postsecondary Education Data for Students Act,” a bill to direct the secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the federal level.
- S. Con. Res. 16, a concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a statue of Frederick Douglass.

The House is expected to consider the following legislation subject to a rule:

- H.R. 3, the “Northern Route Approval Act,” a bill to approve the construction, operation and maintenance of the Keystone XL pipeline, and for other purposes.
- H.R. 1911, the “Smarter Solutions for Students Act,” a bill to amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013.

G. Looking Ahead

1. **Immigration Reform.** This week the Senate Judiciary Committee is expected to conclude its extended markup of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. The bill could be on the floor the week after the Memorial Day recess. In the House, a bipartisan group of representatives has announced agreement in principle on a comprehensive bill they hope to introduce in June. The House Judiciary Committee has thus far pursued a more piecemeal approach, and it is unclear whether the committee will consider the measure.
2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary

Committee is developing its own legislation but it is uncertain when it will be ready for introduction.

3. **Witness Security:** We expect an invitation to testify on June 4, 2013, before the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations concerning the Office of Inspector General Report on the Department's Witness Security Program. No further details are available at this time.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 3, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 7, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Witness Security Program.** On Tuesday, June 4, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Paul O'Brien, Deputy Assistant Attorney General, Criminal Division, and David Harlow, Assistant Director, USMS, will testify before the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations at a hearing titled, "The Department of Justice's Handling of Known or Suspected Terrorist Admitted into the Federal Witness Security Program." Inspector General Michael E. Horowitz also will testify.
2. **Fiscal Year 2014 Budget.** On Thursday, June 6, 2013, at 10:00 a.m. in Room 192 of the Dirksen Senate Office Building, Attorney General Eric H. Holder, Jr. will testify before the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies at a hearing on proposed FY 2014 appropriations. Inspector General Michael E. Horowitz also will testify.

B. Hearings of interest to the Department

1. **IRS Oversight.** On Monday, June 3, 2013, at 3:00 p.m. in Room 2359 of the Rayburn House Office Building, the House Appropriations Committee will hold a hearing on oversight of the Internal Revenue Service.

2. **IRS Treatment of 501(c)(4) Organizations.** On Tuesday, June 4, 2013, at 10:00 a.m. in Room 1100 of the Longworth House Office Building, the House Ways and Means Committee will hold a hearing on Internal Revenue Service practices with respect to tax treatment of 501(c)(4) organizations.
3. **Sunshine for Regulatory Decrees and Settlements Act.** On Wednesday, June 5, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law will hold a hearing on H.R. 1493, the “Sunshine for Regulatory Decrees and Settlements Act of 2013.”
4. **Sex Trafficking and Child Welfare.** On Wednesday, June 5, 2013, in Room 215 of the Dirksen Senate Office Building, the Senate Finance Committee will hold a hearing titled, “Sex Trafficking and Exploitation in America: Child Welfare’s Role in Prevention and Intervention.”
5. **IRS Spending.** On Thursday, June 6, 2013, at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Committee on Oversight and Government Reform will hold a hearing titled, “Collected and Wasted: The IRS Spending Culture and Conference Abuses.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending in the Senate Judiciary Committee: B. Todd Jones, to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Stuart F. Delery to be the Assistant Attorney General for the Civil Division. The hearing on these nominations is scheduled for Tuesday, June 11.

The following Department nomination is pending on the Senate Executive Calendar: Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission.

On Thursday, June 6, 2013, the Senate Judiciary Committee is scheduled to consider the nomination of Tony West to be the Associate Attorney General.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Nitza I. Quinones Alejandro, ED PA; Luis Felipe Restrepo, ED PA; Jeffrey L. Schmehl, ED PA; Kenneth John Gonzales, D NM; Gregory Alan Phillips, Tenth Circuit; Raymond T. Chen, Fed. Circuit; and Jennifer A. Dorsey, D NV.

On Thursday, June 6, 2013, the Senate Judiciary Committee is scheduled to consider the following nominations: Valerie E. Caproni, SD NY; and Vernon S. Broderick, SD NY.

3. **U.S. Attorneys.** The following nomination is pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL.

4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **Going Dark.** On Monday, June 3, 2013, at 5:00 p.m. in Room 304 of the House Visitor Center, Steven Martinez, Executive Assistant Director, Science and Technology Branch, FBI, will brief members of the House Permanent Select Committee on Intelligence.
2. **Indian Country.** On Tuesday, June 4, 2013, at 2:00 p.m. in Room 209 of the Senate Visitor Center, representatives from the Department, including the FBI will brief Senate Committee on Indian Affairs staff on the recently released report, “Indian Country Investigations and Prosecution.”

E. Committee Markups & Business Meetings

1. **House Judiciary Committee.** On Tuesday, June 4, 2013, at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution and Civil Justice will mark up the following legislation:
 - H.R. 1797, the “District of Columbia Pain-Capable Unborn Child Protection Act.”
 - H.R. 1944, the “Private Property Rights Protection Act.”
2. **House Armed Services Committee.** On Wednesday, June 5, 2013 at 10:00 a.m. in Room 2118 of the Rayburn House Office Building, the House Armed Services Committee will mark up the following legislation:
 - H.R. 1960, the “FY 2014 National Defense Authorization Act,” a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense.
3. **Senate Judiciary Committee.** On Thursday, June 6, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 394, the “Metal Theft Prevention Act of 2013,” a bill to prohibit and deter the theft of metal, and for other purposes.

F. Floor

1. The Senate is scheduled to resume consideration of the following legislation:
 - S. 954, the “Agriculture Reform, Food, and Jobs Act of 2013.”
2. The House is scheduled to take up the following legislation:
 - H.R. 1919, the “Safeguarding America’s Pharmaceuticals Act of 2013.”
 - H.R. 126, the “Corolla Wild Horses Protection Act.”
 - H.R. 1206, the “Permanent Electronic Duck Stamp Act of 2013.”

- H.R. 885, the “San Antonio Missions National Historical Park Boundary Expansion Act of 2013.”
- H.R. 671, the “Ruth Moore Act of 2013.”
- H.R. 2216, the “Fiscal 2014 Military Construction-VA Appropriations.”
- H.R. 2217, the “Fiscal 2014 Homeland Security Appropriations.”

G. Looking Ahead

1. **Immigration Reform.** The full Senate will soon begin consideration of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform that was reported by the Committee on the Judiciary. In the House, a bipartisan group of representatives has announced agreement in principle on a comprehensive bill they hope to introduce in June. The House Judiciary Committee has thus far pursued a more piecemeal approach, and it is unclear whether the committee will consider the measure.
2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation but it is uncertain when it will be ready for introduction.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 11, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 14, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Cybersecurity Threat Preparation.** On Wednesday, June 12, 2013, at 2:00 p.m. in Room G-50 of the Dirksen Senate Office Building, Richard McFeely, Executive Assistant Director, Criminal, Cyber, Response, and Services Branch of the Federal Bureau of Investigation, will testify before the Senate Appropriations Committee at a hearing titled, "Cybersecurity: Preparing for and Responding to the Enduring Threat."
2. **Federal Bureau of Investigation Oversight.** On Thursday, June 13, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Robert S. Mueller, Director of the Federal Bureau of Investigation, will testify before the House Judiciary Committee at a hearing titled, "Oversight Hearing on the Federal Bureau of Investigation."
3. **Benghazi Attacks.** On Friday, June 14, 2013, at 9:00 a.m. in Room 305 of the House Visitor Center, FBI Deputy Director Sean Joyce will testify before the House Permanent Select Committee on Intelligence at a closed hearing on the Benghazi attacks. Matthew Olsen, Director of the National Counterterrorism Center, will also testify.

B. Hearings of interest to the Department

1. **Sex Trafficking and Child Welfare.** On Tuesday, June 11, 2013, at 10:00 a.m. in Room 215 of the Dirksen Senate Office Building, the Senate Finance Committee will hold a hearing titled, "Sex Trafficking and Exploitation in America: Child Welfare's Role in Prevention and Intervention."
2. **Lashkar-e-Taiba Threat Protection.** On Wednesday, June 12, 2013, at 10:00 a.m. in Room 331 of the Cannon House Office Building, the House Homeland Security Subcommittee on Counterterrorism and Intelligence will hold a hearing titled, "Protecting the Homeland Against Mumbai-Style Attacks and the Threat from Lashkar-e-Taiba."
3. **Immigration Enforcement.** On Thursday, June 13, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on H.R. 2278, the "Strengthen and Fortify Enforcement Act (The SAFE Act)."
4. **Defining Over-Criminalization and Over-Federalization.** On Friday, June 14, 2013, at 9:00 a.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Committee's Over-Criminalization Task Force will hold a hearing titled, "Defining the Problem and Scope of Over-Criminalization and Over-Federalization."
5. **Government Response to Prescription Drug Abuse.** On Friday, June 14, 2013, at 9:30 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy Subcommittee on Health will hold a hearing titled, "Examining the Federal Government's Response to the Prescription Drug Abuse Crisis."

C. **Pending Nominations**

1. **Department Nominees.** The following Department nomination is pending on the Senate Executive Calendar: Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission.

On Tuesday, June 11, 2013, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: B. Todd Jones, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Stuart F. Delery, to be the Assistant Attorney General for the Civil Division.

On Thursday, June 13, 2013, the Senate Judiciary Committee is scheduled to vote on the following nomination: Derek Anthony West, to be the Associate Attorney General.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Luis Felipe Restrepo, ED PA; Kenneth John Gonzales, D NM; Gregory Alan Phillips, Tenth Circuit; Raymond T. Chen, Fed. Circuit; and Jennifer A. Dorsey, D NV.

On Thursday, June 13, 2013, the Senate Judiciary Committee is scheduled to vote on the following nominations: Valerie E. Caproni, SD NY; and Vernon S. Broderick, SD NY.

At a time to be determined late this week, the Senate is expected to consider the following nominations: Nitza I. Quinones Alejandro, ED PA; and Jeffrey L. Schmehl, ED PA.

3. **U.S. Attorneys.** The following nomination is pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **FISA authorities.** On Tuesday, June 11, 2013, at 5:00 p.m., in the Congressional Visitor Center Auditorium, Deputy Attorney General James Cole will participate in a closed interagency briefing for Members of the House of Representatives on the use of certain FISA authorities. Also participating will be representatives of the National Security Agency, the Office of the Director of National Intelligence, and the FBI. A similar briefing for Members of the Senate may take place later in the week.
2. **Boston Bombing.** On Wednesday, June 12, 2013, the Federal Bureau of Investigation along with the Department of Homeland Security, the National Counterterrorism Center, and the Central Intelligence Agency will hold a classified briefing for Members of the Senate Homeland Security and Governmental Affairs Committee regarding issues leading up to the Boston bombing.

E. Committee Markups & Business Meetings

1. **Senate Armed Services Committee.** On Wednesday, June 12, 2013, at 2:30 p.m. and on Thursday, June 13, 2013 at 9:30 a.m., the Senate Armed Services Committee is scheduled to mark up the National Defense Authorization Act for FY 2014.
2. **House Judiciary Committee.** On Wednesday, June 12, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 1797, the “District of Columbia Pain-Capable Unborn Child Protection Act.”
 - H.R. 1944, the “Private Property Rights Protection Act.”
3. **Senate Judiciary Committee.** On Thursday, June 13, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 394, the “Metal Theft Prevention Act of 2013,” a bill to prohibit and deter the theft of metal, and for other purposes.
 - S. 162, the “Justice and Mental Health Collaboration Act of 2013,” a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

F. Floor

1. The Senate is scheduled to resume consideration of the following legislation:
 - S. 954, the “Agriculture Reform, Food, and Jobs Act of 2013,” a bill to reauthorize agricultural programs through 2018.

The Senate is scheduled to begin consideration of the following legislation:

- S. 744, the “Border Security Economic Opportunity and Immigration Modernization Act,” a bill to provide for comprehensive immigration reform and for other purposes.
2. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 634, the “Business Risk Mitigation and Price Stabilization Act of 2013,” a bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.
 - H.R. 2167, the “Reverse Mortgage Stabilization Act of 2013,” a bill to authorize the secretary of Housing and Urban Development to establish additional requirements to improve fiscal safety and soundness of the home equity conversion mortgage insurance program.
 - H.R. 742, the “Swap Data Repository and Clearinghouse Indemnification Correction Act of 2013,” a bill to amend the Securities Exchange Act of 1934 and the Commodity Exchange Act to repeal the indemnification requirements for regulatory authorities to obtain access to swap data required to be provided by swaps entities under such Acts.
 - H.R. 1038, the “Public Power Risk Management Act of 2013,” a bill to provide equal treatment for utility special entities using utility operations-related swaps, and for other purposes.
 - H.R. 1256, the “Swap Jurisdiction Certainty Act,” a bill to direct the Securities and Exchange Commission and the Commodity Futures Trading Commission to jointly adopt rules setting forth the application to cross-border swaps transactions of certain provisions relating to swaps that were enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

The House is scheduled to take up the following legislation pursuant to a rule:

- H.R. 1960, the “National Defense Authorization Act for Fiscal Year 2014,” a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

G. Looking Ahead

1. **Immigration Reform.** The full Senate begins consideration this week of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a

bipartisan package of legislative proposals to provide for comprehensive immigration reform that was reported by the Committee on the Judiciary. In the House, a bipartisan group of representatives has announced agreement in principle on a comprehensive bill they hope to introduce in June. The House Judiciary Committee has thus far pursued a more piecemeal approach, and it is unclear whether the committee will consider the measure.

2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation but it is uncertain when it will be ready for introduction.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 17, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 21, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

- 1. Surveillance Authorities.** On Tuesday, June 18, 2013, at 10:00 a.m. in Room 210 of the House Visitor Center, James Cole, Deputy Attorney General, will testify before the House Permanent Select Committee on Intelligence, at a hearing on surveillance authorities. Also appearing will be General Keith Alexander, Director of the National Security Agency; Robert Litt, General Counsel, Office of the Director of National Intelligence; and Sean Joyce, Deputy Director of the Federal Bureau of Investigation.
- 2. Biometric ID Issuing Process.** On Wednesday, June 19, 2013, at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, Steven Martinez, Executive Assistant Director, Science and Technology Branch, Federal Bureau of Investigation, will testify before the House Oversight and Government Reform Subcommittee on Government Operations at a hearing titled, "Federal Government Approaches to Issuing Biometric ID's."
- 3. Federal Bureau of Investigation Oversight.** On Wednesday, June 19, 2013, at 10:00 a.m. in Room 106 of the Dirksen Senate Office Building, Robert S. Mueller, III, Director of the Federal Bureau of Investigation, will testify before the Senate Judiciary Committee at a hearing titled, "Oversight of the Federal Bureau of Investigation."

B. Hearings of interest to the Department

1. **Airline Industry Consolidation.** On Wednesday, June 19, 2013, at 2:30 p.m. in Room 253 of the Senate Russell Building, the Senate Commerce, Science and Transportation Subcommittee on Aviation Operations, Safety and Security will hold a hearing on the merger of US Airways and American Airlines.
2. **Intelligence Workforce and Private Contractors.** On Thursday, June 20, 2013, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Subcommittees on Efficiency and Effectiveness of Federal Programs and the Federal Workforce, and the Financial and Contracting Oversight will hold a joint hearing titled, "Examining the Workforce of the U.S. Intelligence Community and the Role of Private Contractors."

C. Pending Nominations

1. **Department Nominees.** The following Department nominations are pending on the Senate Executive Calendar: Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Derek Anthony West, to be the Associate Attorney General.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Gregory Alan Phillips, Tenth Circuit; Raymond T. Chen, Fed. Circuit; Jennifer A. Dorsey, D NV; Valerie E. Caproni, SD NY; and Vernon S. Broderick, SD NY.

On Monday, June 17, 2013, the Senate is scheduled to proceed to executive session to consider the following nominations: Luis Felipe Restrepo, ED PA; and Kenneth John Gonzales, D NM.

On Wednesday, June 19, 2013, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Todd M. Hughes, Fed. Circuit; Colin Stirling Bruce, CD IL; Sara Lee Eliss, ND IL; Andrea R. Wood, ND IL; and Madeline Hughes Haikala, ND AL.

3. **U.S. Attorneys.** The following nomination is pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **Committee on Foreign Investment in the U.S.** On Monday, June 17, 2013, at 1:00 p.m. in Room 2337 of the Rayburn House Office Building, James Walsh and Richard Sofield of the National Security Division will brief the House Financial Services Committee at a

closed briefing on the Spring/Softbank Transaction. At 2:30 p.m. in Room 217 of the Senate Visitor Center, they will brief the Senate Banking, Housing and Urban Affairs Committee in a closed briefing on the same subject.

2. **Surveillance Authorities.** On Thursday, June 20, 2013, at 2:45 p.m. in Room 217 of the Senate Visitor Center, James Cole, Deputy Attorney General will brief the Senate Armed Services Committee at a closed briefing on surveillance authorities. Also appearing will be General Keith Alexander, Director of the National Security Agency; Robert Litt, General Counsel, Office of the Director of National Intelligence; and Sean Joyce, Deputy Director of the Federal Bureau of Investigation.

E. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Thursday, June 20, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 162, the “Justice and Mental Health Collaboration Act of 2013,” a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.
2. **House Judiciary Committee.** On Tuesday, June 18, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 2278, the “Strengthen and Fortify Enforcement Act (The SAFE ACT),” a bill to amend the immigration and Nationality Act to improve immigration law enforcement within the interior of the United States, and for other purposes.
3. **House Judiciary Committee.** On Wednesday, June 19, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 1773, the “Agricultural Guestworker Act,” a bill to create a nonimmigrant H-2C work visa program for agricultural workers, and for other purposes.

F. Floor

1. The Senate is scheduled to continue consideration of the following legislation:
 - S. 744, the “Border Security Economic Opportunity and Immigration Modernization Act,” a bill to provide for comprehensive immigration reform and for other purposes.
2. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 1896, the “International Child Support Recovery Improvement Act of 2013,” a bill to amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support.

- H.R. 475, a bill to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines.
- H.R. 1151, a bill to direct the Secretary of State to develop strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization.

The House is scheduled to take up the following legislation:

- H.R. 1797, the “District of Columbia Pain-Capable Unborn Child Protection Act,” a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia.
- H.R. 1947, the “Federal Agricultural Reform and Risk Management Act of 2013,” a bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018.

G. Looking Ahead

1. **Immigration Reform.** The full Senate resumes consideration this week of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform that was reported by the Committee on the Judiciary. In the House, a bipartisan group of representatives has announced agreement in principle on a comprehensive bill they hope to introduce in June. The House Judiciary Committee meanwhile has had under consideration a series of discrete bills dealing with border enforcement, agricultural work visas, and other matters.
2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation but it is uncertain when it will be ready for introduction.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 24, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending June 28, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Prescription Drug Misuse in Medicare.** On Monday, June 24, 2013, at 3:00 p.m. in Room 342 of the Dirksen Senate Office Building, Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency will testify before the Senate Homeland Security and Governmental Affairs Committee at a hearing titled, "Curbing Prescription Drug Abuse in Medicare."

B. Hearings of interest to the Department

1. **IRS Information Technology Contracting.** On Wednesday, June 26, 2013, at 9:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, "The IRS Contracts with Strong Castle Inc."
2. **Forensics Standards.** On Wednesday, June 26, 2013, at 2:30 p.m. in Room 253 of the Russell Senate Office Building, the Senate Commerce Committee will hold a hearing titled, "From the Lab Bench to the Courtroom: Advancing the Science and Standards of Forensics."

3. **Border Security Oversight.** On Thursday, June 27, 2013, at 9:00 a.m. in Room 2247 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, “Border Security Oversight: Identifying and Responding to Current Threats.”
4. **IRS Investigation.** On Thursday, June 27, 2013, at 10:00 a.m. in Room 1100 of the Longworth House Office Building, the House Ways and Means Committee will hold a hearing on the status of the Internal Revenue Service’s review of taxpayer targeting practices.
5. **Intelligence.** On Thursday, June 27, 2013, at 3:00 p.m. in Room 219 of the Hart Senate Office Building, the Senate Select Intelligence Committee will hold a closed hearing on insider threats. Witnesses will include Director of National Intelligence James R. Clapper and National Counterintelligence Executive Frank Montoya, Jr.

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominations are pending on the Senate Executive Calendar: Sylvia M. Becker, to be a member of the Foreign Claims Settlement Commission; and Derek Anthony West, to be the Associate Attorney General.

On Thursday, June 27, 2013, the Senate Judiciary Committee is scheduled to consider the following nominations: B. Todd Jones, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Stuart F. Delery, to be the Assistant Attorney General for the Civil Division.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Gregory Alan Phillips, Tenth Circuit; Raymond T. Chen, Fed. Circuit; Jennifer A. Dorsey, D NV; Valerie E. Caproni, SD NY; and Vernon S. Broderick, SD NY.
3. **U.S. Attorneys.** The following nomination is pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. **Briefings**

1. **Foreign Intelligence Surveillance Act.** On Wednesday, June 26, 2013, at 2:30 p.m. in Room (TBA) of the House Visitor Center, and at 4:00 p.m. in Room 304 of the House Visitor Center, respectively, Deputy Attorney General James Cole will provide closed briefings to the House Republican Conference and the House Democratic Caucus on

FISA matters. Other briefers will include General Keith Alexander, Director, National Security Agency; Robert Litt, General Counsel, Office of the Director of National Intelligence; and Stephanie Douglas, Executive Assistant Director, Federal Bureau of Investigation.

E. Committee Markups & Business Meetings

1. **House Judiciary Committee.** On Wednesday, June 26, 2013, at 11:00 a.m. and Thursday, June 26, 2013 at 11:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 1772, the “Legal Workforce Act,” a bill to amend the Immigration and Nationality Act to make mandatory and permanent requirements relating to use of an electronic employment eligibility verification system, and for other purposes.
 - H.R. 2131, the “Supplying Knowledge-based Immigrants and Lifting Levels of STEM Visas Act (The SKILLS Visa Act),” a bill to amend the Immigration and Nationality Act to enhance American competitiveness through the encouragement of high-skilled immigration, and for other purposes.
2. **House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law.** On Friday, June 28, 2013 at 9:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Subcommittee on Regulatory Reform, Commercial and Antitrust Law will mark up the following legislation:
 - H.R.____, the “Regulatory Flexibility Improvements Act of 2013,”

F. Floor

1. The Senate is scheduled to complete consideration of the following legislation:
 - S. 744, the “Border Security Economic Opportunity and Immigration Modernization Act,” a bill to provide for comprehensive immigration reform.
2. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 1092, a bill to designate the air route traffic control center located in Nashua, N.H., as the “Patricia Clark Boston Air Route Traffic Control Center.”
 - H.R. 2289, a bill to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA.
 - H.R. 1864, a bill to amend Title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 2231, the “Offshore Energy and Jobs Act,” a bill to amend the Outer Continental Shelf Lands Act to increase energy exploration and production of the Outer Continental Shelf, provide for equitable revenue sharing for all coastal

States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes.

- H.R. 1613, the “Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act,” a bill to amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs.

G. Looking Ahead

1. **Immigration Reform.** The full Senate is expected to complete consideration this week of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform that was reported by the Committee on the Judiciary. In the House, a bipartisan group of representatives still hopes to introduce a comprehensive bill, but the House Judiciary Committee meanwhile is considering a series of discrete bills dealing with border enforcement, agricultural work visas, and other matters.
2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation but it is uncertain when it will be ready for introduction.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 8, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 12, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings of interest to the Department

1. **Regulatory Accountability Act.** On Tuesday, July 9, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law will hold a hearing on H.R. 2122, the "Regulatory Accountability Act of 2013."
2. **Cyber-Threats to U.S. Intellectual Property.** On Tuesday, July 9, 2013, at 10:15 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Oversight and Investigations will hold a hearing titled, "Cyber Espionage and the Theft of U.S. Intellectual Property and Technology."
3. **"Too Big To Fail" Institutions and Dodd-Frank Act.** On Tuesday, July 9, 2013, at 2:00 p.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Subcommittee on Oversight and Investigations will hold a hearing titled, "Examining Constitutional Deficiencies and Legal Uncertainties in the Dodd-Frank Act."
4. **Boston Marathon Bombings.** On Wednesday, July 10, 2013, at 9:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing titled, "Assessing Attacks on the Homeland: From Fort Hood to Boston." Rudy Giuliani, former Mayor, New York City; and Michael Leiter, former Director, National Counterterrorism Center will testify. On Thursday, July 11, 2013, at 9:00 a.m.

in closed session, Matthew G. Olsen, Director, National Counterterrorism Center; and John Cohen, Deputy Counterterrorism Coordinator and Senior Advisor to the Secretary, Department of Homeland Security will testify. The Committee is holding a series of hearings on the Boston Marathon bombings to assess how federal, state and local officials communicated with their counterparts at other agencies regarding the suspects before and following the event; and the challenges associated with securing the nation since 9/11.

5. **Boston Marathon Bombings.** On Wednesday, July 10, 2013, at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing titled, “Lessons Learned from the Boston Marathon Bombings: Preparing for and Responding to the Attack.” Witnesses will include Richard Serino, Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security; and Edward Davis, III, Commissioner, Boston Police Department.
6. **Federal Money and Performance Accountability.** On Wednesday, July 10, 2013 at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing on Government Accountability Reports and performance.
7. **Responsibility and Professionally Invigorating Development Act.** On Thursday, July 11, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law will hold a hearing on H.R. __, the “Responsibility and Professionally Invigorating Development Act of 2013.”
8. **Mitigating Systematic Financial Risk.** On Thursday, July 11, 2013, at 11:00 a.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing and Urban Affairs Committee will hold a hearing titled, “Mitigating Systematic Risk Through Wall Street Reforms.”

B. Pending Nominations

1. **Department Nominees.** On Tuesday, July 9, 2013, the Senate Judiciary Committee is scheduled to hold a hearing on the following nomination: James B. Comey, Jr., to be Director of the Federal Bureau of Investigation.

On Thursday, July 11, 2013, the Senate Judiciary Committee is scheduled to consider the following nominations: B. Todd Jones, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Stuart F. Delery, to be the Assistant Attorney General for the Civil Division.

At a time to be determined this week, the Senate is expected to proceed executive session to consider the following nomination: Derek Anthony West, to be the Associate Attorney General.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Raymond T. Chen, Fed. Circuit; Valerie E. Caproni, SD NY; and Vernon S. Broderick, SD NY.

On Monday, July 8, 2013, the Senate is expected to proceed to executive session to consider the following nomination: Gregory Alan Phillips, Tenth Circuit.

On Wednesday, July 10, 2013, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Patricia Ann Millett, DC Circuit; Gregory Howard Woods, SD NY; Elizabeth A. Wolford, WD NY; and Debra M. Brown, ND MS.

On Thursday, July 11, 2013, the Senate Judiciary Committee is scheduled to consider the following nominations: Colin Stirling Bruce, CD IL; Sara Lee Ellis, ND, IL; Andrea R. Wood, ND, IL; and Madeline Hughes Haikala, ND AL.

At a time to be determined this week, the Senate is expected to proceed to executive session to consider the following nomination: Jennifer A. Dorsey, D NV.

3. **U.S. Attorneys.** The following nomination is pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

C. **Briefings**

1. **Improvised Explosive Devices (IEDs).** On Friday, July 12, 2013 at 11:00 a.m. in Room 530 of the Hart Senate Office Building, the Office of the Deputy Attorney General, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bureau of Investigation will provide a joint briefing concerning Improvised Explosive Devices (IEDs) and the Administration's Counter-IED Strategy as it applies to the Department of Justice and its components.

D. **Floor**

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 1341, the "Financial Competitive Act of 2013," a bill to require the Financial Stability Oversight Council to conduct study of the likely effects of the differences between the United States and other jurisdictions in implementing the derivatives credit valuation adjustment capital requirement.
 - H.R. 1564, the "Audit Integrity and Job Protection Act," a bill to amend the Sarbanes-Oxley Act of 2002 to prohibit Public Company Accounting Oversight Board from requiring public companies to use specific auditors or require the use of different auditors on a rotating basis.

- H.R. 1171, the “For VETS Act of 2013,” a bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 2609, the “Energy and Water Development and Related Agencies Appropriations Act, 2014,” a bill for making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014.
- H.R. 761, the “National Strategic and Critical Minerals Production Act of 2013,” a bill to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness.

E. Looking Ahead

1. **Immigration Reform.** The Senate has passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. In the House, a bipartisan group of representatives still hopes to introduce a comprehensive bill, but the House Judiciary Committee meanwhile is considering a series of discrete bills dealing with border enforcement, agricultural work visas, and other matters.
2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation but it is uncertain when it will be ready for introduction.
3. **Media Shield.** The Senate Judiciary Committee is scheduled to consider this week media shield legislation proposed by Senator Schumer. The Attorney General is scheduled to meet with members of the Committee on this legislation and the Department’s guidelines on Tuesday, July 9, 2013 at 4:00 p.m.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 15, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 19, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Oversight of FISA Authorities.** On Wednesday, July 17, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Deputy Attorney General James M. Cole will testify at a hearing before the House Judiciary Committee titled, "Oversight of the Administration's use of FISA (Foreign Intelligence Surveillance Act) Authorities."

B. Hearings of interest to the Department

1. **Drug Compounding Regulation.** On Tuesday, July 16, 2013, at 3:00 p.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Health will hold a hearing titled, "Reforming the Drug Compounding Regulatory Framework."
2. **Border Security Oversight.** On Wednesday, July 17, 2013, at 10:15 a.m. in Room 2247 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on National Security will hold a hearing titled, "Border Security Oversight, Part III: Examining Asylum Requests."
3. **Voting Rights Act.** On Wednesday, July 17, 2013, at 1:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing

titled, “From Selma to Shelby County: Working Together to Restore the Protections of the Voting Rights Act.” Witnesses will include Representatives John Lewis and F. James Sensenbrenner, Jr.

4. **Lacey Act.** On Wednesday, July 17, 2013, at 2:00 p.m. in Room 1324 of the Longworth House Office Building, the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs will hold a hearing titled, “Why Should Americans Have to Comply with the Laws of Foreign Nations?”
5. **IRS Review of Tax-Exempt Applications.** On Thursday, July 18, 2013, at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing on the Internal Revenue Service’s review of applications for tax-exempt status.
6. **Voting Rights Act.** On Thursday, July 18, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution and Civil Justice will hold a hearing titled, “The Voting Rights Act After the Supreme Court’s Decision in Shelby County.”
7. **Cybersecurity.** On Thursday, July 18, 2013, at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing titled, “Oversight of Executive Order 13636 and Development of the Cybersecurity Framework.”
8. **Mens Rea in Criminal Law.** On Friday, July 19, 2013, at 9:00 a.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Committee’s Over-Criminalization Task Force will hold a hearing titled, “Mens Rea: The Need for a Meaningful Intent Requirement in Federal Criminal Law.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominees are pending on the Senate Executive Calendar: Byron Todd Jones, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Stuart F. Delery, to be Assistant Attorney General for the Civil Division.

At a time to be determined this week, the Senate is expected to proceed to executive session to consider the nomination of Derek Anthony West to be Associate Attorney General.

On Thursday, July 18, 2013, the Senate Judiciary Committee is scheduled to vote on the following nomination: James B. Comey, Jr., to be Director of the Federal Bureau of Investigation.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Raymond T. Chen, Fed. Circuit; Valerie E. Caproni, SD NY; and Vernon S. Broderick, SD NY.

On Thursday, July 18, 2013, the Senate Judiciary Committee is scheduled to vote on the following nominations: Todd M. Hughes, Fed Cir; Colin Stirling Bruce, CD IL; Sara Lee Ellis, ND, IL; Andrea R. Wood, ND, IL; and Madeline Hughes Haikala, ND AL.

3. **U.S. Attorneys.** The following nomination is pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL; and Kenneth Allen Polite, Jr., ED LA.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Briefings

1. **FISA Authorities.** On Monday, July 15, 2013, at 2:00 p.m. in Room 217 of the Senate Visitor Center, the Senate Judiciary Committee will hold a briefing on the Use of FISA Authorities in Terrorism Investigations. Robert Boyer, Deputy Section Chief, National Security Division Office of Intelligence, will represent the Department of Justice.

E. Committee Markups & Business Meetings

1. **Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies.** On Tuesday, July 16, 2013 at 10:00 a.m. in Room 192 of the Dirksen Senate Office Building, the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies will mark up the following legislation:
 - Draft Bill – “Fiscal 2014 Commerce-Justice-Science Appropriations.”
2. **House Judiciary Subcommittee on the Constitution and Civil Justice.** On Wednesday, July 17, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Constitution and Civil Justice will mark up the following legislation:
 - H.R. 2655, the “Lawsuit Abuse Reduction Act of 2013,” a bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 2576, a bill to amend title 49, United States Code to modify requirements relating to the availability of pipeline safety regulatory documents.

- H.R. 1848, the “Small Airplane Revitalization Act of 2013,” a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the aviation industry.
- H.R. 2611, a bill to designate the headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr. Avenue Southeast in the District of Columbia’s as the “Douglas A. Munro Coast Guard Headquarters Building.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 2667, the “Authority to Mandate Delay Act,” a bill to delay the application of the employer health insurance mandate.
- H.R. 2668, the “Fairness for American Families Act,” a bill to delay the application of the individual health insurance mandate.

The House may take up the following legislation subject to a rule:

- H.R. 5, the “Student Success Act,” a bill to support state and local accountability for public education, protect State and local authority, inform parents of the performance of their children’s schools, and for other purposes.
- H.R. 2397, the “Department of Defense Appropriations Act,” a bill to making appropriations for the Department of Defense for the fiscal year ending September 20, 2014.

G. Looking Ahead

1. **Immigration Reform.** On June 27, 2013, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. In the House, a bipartisan group of representatives still hopes to introduce a comprehensive bill, but the House Judiciary and Homeland Security committees meanwhile have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear what legislation they will bring to the floor.

On July 10, 2013, House leadership met with the Republican caucus to discuss immigration legislation in the House. While no clear policy agreement on immigration legislation was reached at the meeting, House leadership announced at the conclusion of the meeting that the House will not take up the Senate’s comprehensive immigration bill (S. 744), and that the House will not pass its own comprehensive immigration bill but, instead, will consider several of the individual immigration bills that have reported out of committees this congress. It is still unclear whether the House will vote in July, or wait until after the August recess, to vote on any of the recent immigration bills that have reported out of committee.

2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and

Privacy Act but it is unclear when it may reach the floor. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation but it is uncertain when it will be ready for introduction.

3. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention in September and that the Department will provide a witness.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 22, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending July 26, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities

A. Hearings of interest to the Department

1. **Patent Settlements for Generic Drugs.** On Tuesday, July 23, 2013 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a hearing titled, "Pay-for-Delay Deals: Limiting Competition and Costing Consumers."
2. **House and Senate Border Security Proposals.** On Tuesday, July 23, 2013, at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Border and Maritime Security will hold a hearing titled, "A Study in Contrasts: House and Senate Approaches to Border Security."
3. **Immigration and Children.** On Tuesday, July 23, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will hold a hearing titled, "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children."
4. **Impact of Sequestration on Courts.** On Tuesday, July 23, 2013, at 3:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Bankruptcy and the Courts will hold a hearing titled, "Sequestering Justice: How the Budget Crisis is Undermining Our Courts."

5. **Closing Guantanamo.** On Wednesday, July 24, 2013, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights will hold a hearing titled, "Closing Guantanamo: The National Security, Fiscal, and Human Rights Implications."
6. **Copyright Law.** On Thursday, July 25, 2013, at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, "Innovation in America: The Role of Copyrights."
7. **Data Centers and Cloud Technology in Government.** On Thursday, July 25, 2013, at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, "Data Centers and the Cloud."

B. Pending Nominations

1. **Department Nominees.** The following Department nominees are pending on the Senate Executive Calendar: Byron Todd Jones, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; James B. Comey, Jr., to be Director of the Federal Bureau of Investigation; and Stuart F. Delery, to be Assistant Attorney General for the Civil Division.

At a time to be determined this week, the Senate is expected to proceed to executive session to consider the nomination of Derek Anthony West, to be Associate Attorney General.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Raymond T. Chen, Fed. Circuit; Valerie E. Caproni, SD NY; Vernon S. Broderick, SD NY; Todd M. Hughes, Fed. Circuit; Colin Stirling Bruce, CD IL; Sara Lee Ellis, ND IL; Andrea R. Wood, ND IL; and Madeline Hughes Haikala, ND AL;

On Wednesday, July 24, 2013, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Cornelia T.L. Pillard, DC Cir.; Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; and Jeffrey Alker Meyer, D CT.

3. **U.S. Attorneys.** The following nominations are pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL; and Kenneth Allen Polite, Jr., ED LA.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

C. Briefings

1. **Cybersecurity.** On Monday, July 22, 2013, at 6:00 p.m. in Room 217 of the Senate Visitor Center, Joseph Demarest, Assistant Director of the Cyber Division, Federal

Bureau of Investigation and Iris Lan, Associate Deputy Attorney General, will participate in a classified briefing for Senator Whitehouse on cyber issues.

D. Committee Markups & Business Meetings

1. **House Judiciary Committee.** On Wednesday, July 24, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary will mark up the following legislation:
 - H.R. 1493, the “Sunshine for Regulatory Decrees and Settlements Act of 2013,” a bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof.
 - H.R. 2122, the “Regulatory Accountability Act of 2013,” a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.
 - H.R. 2542, the “Regulatory Flexibility Improvements Act of 2013,” a bill to amend chapter 6 of title 5, United States Code to ensure complete analysis of potential impacts on small entities of rules.
 - H.R. 2641, the “Responsibly and Professionally Invigorating Development Act (RAPID) of 2013,” a bill to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations.
 - H.R. 1123, the “Unlocking Consumer Choice and Wireless Competition Act,” a bill to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices.
 - H.R. 2655, the “Lawsuit Abuse Reduction Act of 2013,” a bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability.
2. **Senate Judiciary Committee.** On Thursday, July 25, 2013, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 987, the “Free Flow of Information Act of 2013,” a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the new media.

E. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 697, the “Three Kids Mine Remediation and Reclamation Act,” a bill to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site.

- H.R. 1300, a bill to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges and for other purposes.
- H.R. 1411, the “California Coastal National Monument Expansion Act of 2013,” a bill to include the Point Arena-Stornetta Public Lands in the California Coastal National Monument as part of the National Landscape Conservation System.
- H.R. 2353, a bill to amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways, and for other purposes.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 2397, the “Department of Defense Appropriations Act,” a bill for making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes.
- H.R. 2218, the “Coal Residuals Reuse and Management Act of 2013,” a bill to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.
- H.R. 1582, the “Energy Consumers Relief Act of 2013,” a bill to protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy.

2. The Senate is scheduled to take up the following legislation:

- S. 1243, the “Fiscal 2014 Transportation-HUD Appropriations,” a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for fiscal year 2014.

F. Looking Ahead

1. **Immigration Reform**. On June 27, 2013, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. In the House, a bipartisan group of representatives still hopes to introduce a comprehensive bill, but the House Judiciary and Homeland Security committees meanwhile have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear what legislation they will bring to the floor.

During the week of July 22, the House will have two immigration related hearings. On Tuesday, July 23, 2013, the House Homeland Security Committee will hold a hearing contrasting the differences between the House’s and the Senate’s approaches to border security, as reflected in S. 744 and H.R. 1417. On July 23, 2013, the House Judiciary Committee will hold a hearing on the immigration status of undocumented immigrants

who were brought to the United States as children. The hearing is being held in anticipation of the introduction of a House counterpart to the DREAM Act (included in S. 744) by Leader Cantor and House Judiciary Committee Chairman Goodlatte.

2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the Leahy bill and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation which it hopes to have ready for introduction in September.
3. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention in September and that the Department will provide a witness.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 29, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending August 2, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities

A. Hearings at which the Department is testifying

1. **Foreign Intelligence Surveillance Act (FISA) Programs.** On Wednesday, July 31, 2013, at 9:00 a.m. in Room 216 of the Hart Senate Office Building, Deputy Attorney General James M. Cole will testify at a Senate Judiciary Committee hearing titled, "Strengthening Privacy Rights and National Security: Oversight of FISA Surveillance Programs." Also testifying will be Sean M. Joyce, Deputy Director, Federal Bureau of Investigation; John C. Inglis, Deputy Director, National Security Agency; and Robert S. Litt, General Counsel, Office of the Director of National Intelligence.
2. **Rights of Servicemembers in the Financial Marketplace.** On Wednesday, July 31, 2013, at 10:00 a.m. in Room 418 of the Russell Senate Office Building, Eric Halperin, Acting Deputy Assistant Attorney General, Civil Rights Division, will testify at a Senate Veterans Committee hearing titled, "Preserving the Rights of Servicemembers, Veterans, and their Families in the Financial Marketplace."

B. Hearings of Interest to the Department

1. **Patent Disputes.** On Tuesday, July 30, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Antitrust, Competition

Policy and Consumer Rights will hold a hearing titled, “Standard Essential Patent Disputes and Antitrust Law.”

2. **U.S. Innovation.** On Thursday, August 1, 2013, at 9:30 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “Innovation in America: The Role of Technology.”
3. **Regulatory Delays in the Judicial System.** On Thursday, August 1, 2013, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Oversight, Federal Rights, and Agency Action will hold a hearing titled, “Justice Delayed: The Human Cost of Regulatory Paralysis.”
4. **Border Security.** On Friday, August 2, 2013, at 9:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing titled, “Border Security Planning: Applying Overseas Lessons Learned to the Homeland.”
5. **Identify Theft Tax Fraud.** On Friday, August 2, 2013, at 9:00 a.m. in Room 2247 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on Government Operations will hold a hearing titled, “Examining the Skyrocketing Problem of Identity Theft Related Tax Fraud at the IRS.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominees are pending on the Senate Executive Calendar: Byron Todd Jones, to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Stuart F. Delery, to be Assistant Attorney General for the Civil Division.

On Monday, July 29, 2013, the Senate voted to confirm the following nomination: James B. Comey, Jr., to be Director of the Federal Bureau of Investigation.

On Thursday, July 25, 2013, the Senate voted to confirm the following nomination: Derek Anthony West, to be the Associate Attorney General.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Raymond T. Chen, Fed. Circuit; Valerie E. Caproni, SD NY; Vernon S. Broderick, SD NY; Todd M. Hughes, Fed. Circuit; Colin Stirling Bruce, CD IL; Sara Lee Ellis, ND IL; Andrea R. Wood, ND IL; and Madeline Hughes Haikala, ND AL;

On Thursday, August 1, 2013, the Senate Judiciary Committee is scheduled to vote on the following nominations: Patricia Ann Millet, DC Circuit; Gregory Howard Woods, SD NY; Elizabeth A. Wolford, WD NY; and Debra M. Brown, ND MS.

3. **U.S. Attorneys.** The following nominations are pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL; and Kenneth Allen Polite, Jr., ED LA.
4. **U.S. Marshals.** To date, there have been no USM nominations in the 113th Congress.

D. Committee Markups & Business Meeting

1. **House Judiciary Committee.** On Wednesday, July 31, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 1123, the “Unlocking Consumer Choice and Wireless Competition Act,” a bill to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices.
 - H.R. 2542, the “Regulatory Flexibility Improvements Act of 2013,” a bill to amend chapter 6 of title 5, United States Code, to ensure complete analysis of potential impacts on small entities of rules.
 - H.R. 2641, the “Responsibly and Professionally Invigorating Development Act of 2013 (RAPID Act),” a bill to provide for improved coordination of agency actions in preparation and adoption of environmental documents for permitting determinations.
 - H.R. 2655, the “Lawsuit Abuse Reduction Act of 2013,” a bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability.
2. **Senate Judiciary Committee.** On Thursday, August 1, 2013, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 987, the “Free Flow of Information Act of 2013,” a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the new media.
 - S. 933, the “Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013,” a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1969 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2018.

E. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 2094, the “School Access to Emergency Epinephrine Act,” a bill to amend the Public Health Service Act to increase preference given, in awarding certain asthma-related grants, to certain States.
 - H.R. 2754, the “Collectible Coin Protection Act,” a bill to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act.

- H.R. 1300, a bill to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges.
 - H.R. 2711, the “Citizen Empowerment Act,” a bill to amend title 5, United States Code, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, and for other purposes.
 - H.R. 2579, the “Government Employee Accountability Act,” a bill to amend title 5, United States Code, to provide for investigate leave requirements with respect to Senior Executive Service employees.
 - H.R. 1660, the “Government Customer Service Improvement Act of 2013,” a bill to require the establishment of Federal customer service standards and to improve the service provided by Federal agencies.
 - H.R. 313, the “Government Spending Accountability Act,” a bill to amend title 5, United States Code, to institute spending limits and transparency requirements for Federal conference and travel expenditures.
 - H.R. 1541, the “Common Sense in Compensation Act,” a bill to establish limitations, for fiscal years 2013, 2014, and 2015 on the total amount in awards or other discretionary monetary payments which may be paid to any Federal employee.
 - H.R. 2565, the “STOP IRS Act,” a bill to provide for the termination of employment of employees of the Internal Service Revenue who take certain official actions for political purposes.
 - H.R. 2769, the “Stop Playing on Citizen’s Cash Act,” a bill to impose a moratorium on conferences held by the Internal Revenue Service.
 - H.R. 2768, the “Taxpayer Bill Rights Act of 2013,” a bill to amend the Internal Revenue Code of 1986 to clarify that a duty of the Commissioner of the Internal Revenue is to ensure that Internal Revenue Service employees are familiar with and act in accord with certain taxpayer rights.
 - H.R. 1897, the “Vietnam Human Rights Act of 2013,” a bill to promoted freedom and democracy in Vietnam.
 - H.R. 850, the “Nuclear Iran Prevention Act,” a bill to impose additional human rights and economic and financial sanctions with respect to Iran.
 - Motion to Concur in the Senate Amendment to H.R. 1911, the “Bipartisan Student Loan Certainty Act of 2013,” a bill to amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013.
 - H.Res. 222, a resolution, recognizing the longer-term partnership between the United States and the Hashemite Kingdom of Jordan, working together towards peace and security in the Middle East.
2. The House is scheduled to complete consideration of H.R. 2610, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for FY 2014, and to take up the following legislation subject to a rule:
- H.R. 2009, the “Keep the IRS Off Your Health Care Act of 2013,” a bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

- H.R. 367, the “Regulations From the Executive in Need of Scrutiny Act of 2013,” a bill to amend chapter 8 of title 5, United States Code, to provide that major rules to the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.
- H.R. 1582, the “Energy Consumers Relief Act,” a bill to protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy.

F. Looking Ahead

1. **Immigration Reform.** On June 27, 2013, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. In the House, a bipartisan group of representatives still hopes to introduce a comprehensive bill, but the House Judiciary and Homeland Security committees meanwhile have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear what legislation they will bring to the floor in the fall.
2. **Electronic Communications and Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications and Privacy Act and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the Leahy bill and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation which it hopes to have ready for introduction in September.
3. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention in September and that the Department will provide a witness.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 9, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 13, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities.

A. Hearings at which the Department is testifying

1. **Marijuana Laws.** On Tuesday, September 10, 2013, at 2:30 p.m. in Room 216 of the Hart Senate Office Building, Deputy Attorney General James M. Cole will testify before the Senate Judiciary Committee at a hearing titled, "Conflicts between State and Federal Marijuana Laws."
2. **Update on the Benghazi Attacks.** On Thursday, September 12, 2013, at 9:00 a.m. in Room 304 of the House Visitor Center, FBI Deputy Director Sean M. Joyce will testify before the House Permanent Select Committee on Intelligence at a closed hearing on the Benghazi attacks. Matthew G. Olsen, Director of the National Counterterrorism Center, will also testify.

B. Hearings of Interest to the Department

1. **Federal Transparency Law.** On Tuesday, September 10, 2013, at 9:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, "Preventing Violations of Federal Transparency Laws."

2. **Satellite Television Laws.** On Tuesday, September 10, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, "Satellite Television Laws in Title 17."
3. **Federal Judgeship Act.** On Tuesday, September 10, 2013, at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Bankruptcy and the Courts will hold a hearing on S. 1385, the "Federal Judgeship Act of 2013."
4. **Indian Affairs.** On Tuesday, September 10, 2013, at 2:30 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold a hearing on Indian water rights settlements and other pending legislation.

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominees are pending on the Senate Executive Calendar: Peter Joseph Kadzik, Assistant Attorney General, Office of Legislative Affairs.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Todd M. Hughes, Fed. Circuit; Colin Stirling Bruce, CD IL; Sara Lee Ellis, ND IL; Andrea R. Wood, ND IL; Madeline Hughes Haikala, ND AL; Patricia Ann Millet, DC Circuit; Gregory Howard Woods, SD NY; Debra M. Brown, ND MI; and Elizabeth A. Wolford, WD NY.

On Monday, September 9, 2013, the Senate is expected to proceed to executive session to consider the following nominations: Valerie E. Caproni, SD NY; and Vernon S. Broderick, SD NY.

On Wednesday, September 11, 2013, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Robert Leon Wilkins, DC Circuit; Timothy L. Brooks, WD AR; James Donato, ND CA; Beth Labson Freeman, ND CA; and Pedro A. Delgado Hernandez, D PR.

On Thursday, September 12, 2013, the Senate Judiciary Committee is scheduled to vote on the following nominations: Cornelia T.L. Pillard, DC Circuit; Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Waters, D MT; and Jeffrey Alker Meyer, D CT.

3. **U.S. Attorneys.** The following nominations are pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL; and Kenneth Allen Polite, Jr., ED LA.

On Thursday, September 12, 2013, the Senate Judiciary Committee is scheduled to vote on the following nomination: Kenneth Allen Polite, Jr., ED LA.

4. **U.S. Marshals.** The following nominations are pending in the Senate Judiciary Committee: Robert L. Hobbs, ED TX; Amos Rojas, Jr., SD FL; Gary L. Blankenship, SD TX; and Peter C. Tobin, SD OH.

D. Briefings

1. **Free Flow of Information Act.** On Monday, September 9, 2013, at 10:30 a.m. in Room 211 of the Hart Senate Office Building, Julie E. Katzman, Special Assistant, Office of General Counsel, Federal Bureau of Investigation and Paul O'Brien, Deputy Assistant Attorney General, Criminal Division met with staff from the Senate Select Committee on Intelligence and the Senate Judiciary Committee to discuss S. 987, the Free Flow Information Act of 2013.
2. **Foreign Intelligence Surveillance Act.** On Wednesday, September 11, 2013, at 3:00 p.m. in Room 304 of the House Visitor Center, Brad Wiegmann, Deputy Assistant Attorney General, National Security Division, General B. Keith Alexander, Director, National Security Agency and Robert S. Litt, General Counsel, Office of the Director of National Intelligence will brief the House Permanent Select Committee on Intelligence on matters related to foreign intelligence surveillance.
3. **Wildlife Tracking.** On Thursday, September 12, 2013, at 3:00 p.m. in Room 2200 of the Longworth House Office Building, Robert G. Dreher, Acting Assistant Attorney General, Environment and Natural Resources Division, along with principals from the U.S. Fish and Wildlife service and the Department of State will brief congressional staff on the Administration's Executive Order on Combating Wildlife Trafficking.

E. Committee Markups & Business Meetings

1. **House Judiciary Committee.** On Wednesday, September 11, 2013 at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 2655, the "Lawsuit Abuse Reduction Act of 2013."
 - H.R. 2922, a bill to extend the authority of the Supreme Court Police to protect court officials away from the Supreme Court grounds.
 - H.R. 2871, a bill to amend title 28, United States code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency.
2. **Senate Judiciary Committee.** On Thursday, September 12, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 987, the "Free Flow of Information Act of 2013," a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

- S. 357, the “National Blue Alert Act of 2013,” a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

F. Floor

1. The Senate is scheduled to complete consideration of the following legislation:
 - S. 1392, the “Energy Savings and Industrial Competitiveness Act of 2013,” a bill to promote energy savings in residential buildings and industry.
2. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 2052, the “Global Investment in American Jobs Act of 2013,” a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to conduct an interagency review and report to Congress on ways to increase the global competitiveness of the United States in attracting foreign direct investment.
 - H.R. 2844, the “Federal Communications Commission Consolidation Reporting Act of 2013,” a bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight.
 - H.R. 1155, the “National Association of Registered Agents and Brokers Reform Act of 2013,” a bill to reform the National Association of Registered Agents and Brokers.
 - H.R. 2747, the “Streamlining Claims Processing for Federal Contract Employees Act,” a bill to amend title 40, United States Code, to transfer certain functions from the Government Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title.
 - H.R. 1891, the “Science Laureates of the United States Act of 2013,” a bill to establish a position of Science Laureate of the United States.
 - S. 130, the “Powell Shooting Range Land Conveyance Act,” a bill to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming.
 - S. 157, the “Denali National Park Improvement Act,” a bill to provide for certain improvements to the Denali National Park and Preserve in the State of Alaska.
 - S. 304, the “Natchez Trace Parkway Land Conveyance Act of 2013,” a bill to direct the Secretary of the Interior to convey the State of Mississippi two parcels of surplus land within the boundary of the Natchez Trace Parkway.
 - S. 256, a bill to amend Public Law 93-435 with respect to the Northern Mariana Islands providing parity with Guam, the Virgin Islands, and American Samoa.
 - S. 459, the “Minuteman Missile National Historic Site Boundary Modification Act,” a bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 2775, a bill to condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act.
- H.J Res.____ - Continuing Appropriations Resolution, 2014.

G. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary committees will be considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. The Department will be participating in numerous hearings and briefings and providing technical assistance in coordination with our interagency partners as those efforts move forward.
2. **Immigration Reform.** Last June, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. In the House, a bipartisan group of representatives still hopes to introduce a comprehensive bill, but the House Judiciary and Homeland Security committees meanwhile have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear what legislation they will bring to the floor. On September 18, the Department will testify at a hearing on border security before the House Oversight and Government Reform Subcommittee on National Security.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications Privacy Act and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the Leahy bill and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill in close consultation with the White House and the Department of Commerce. The House Judiciary Committee is developing its own legislation, which it hopes to have ready for introduction in September.
4. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention this fall and that the Department will provide a witness.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 16, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 20, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities.

A. Hearings at which the Department is testifying

- 1. Foreign Intelligence Surveillance Act.** On Wednesday, September 18, 2013, at 10:00 a.m. in Room 301 of the House Visitor Center, Deputy Attorney General James M. Cole will testify before the House Judiciary Committee at a closed hearing on the Foreign Intelligence Surveillance Act. Also testifying will be Robert S. Litt, General Counsel, Office of the Director of National Intelligence; John C. Inglis, Deputy Director, National Security Agency; and Andrew G. McCabe, Acting Executive Director, Federal Bureau of Investigation. On Thursday, September 19, 2013, at 10:00 a.m. in Room 304 of the House Visitor Center, the Deputy Attorney General will also testify before the House Permanent Select Committee on Intelligence at a closed hearing on the Foreign Intelligence Surveillance Act.
- 2. Federal Bureau of Prisons Oversight.** On Thursday, September 19, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, Charles E. Samuels, Director, Federal Bureau of Prisons, will testify before the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations, at a hearing titled, "Oversight of the Federal Bureau of Prisons."

B. Hearings of Interest to the Department

1. **Stand Your Ground Laws.** On Tuesday, September 17, 2013, at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights will hold a hearing titled, “Stand Your Ground’ Laws: Civil Rights and Public Safety Implications of the Expanded Use of Deadly Force.”
2. **Mandatory Minimums.** On Wednesday, September 18, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, “Reevaluating the Effectiveness of Federal Mandatory Minimum Sentences.”
3. **Benghazi.** On Wednesday, September 18, 2013, at 10:00 a.m. in Room 2172 of the Rayburn House Office Building, the House Foreign Affairs Committee will hold a hearing titled, “Benghazi: Where is the State Department Accountability?”. On Thursday, September 19, 2013, at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, “Reviews of the Benghazi Attacks and Unanswered Questions.” On Thursday, September 19, 2013 at 3:30 p.m. in Room 2118 of the Rayburn House Office Building, the House Armed Services Subcommittee on Oversight and Investigations will hold a hearing titled, “The Defense Department’s Posture for September 11, 2013: What are the Lessons of Benghazi?”
4. **Voluntary Agreements and Intellectual Property.** On Wednesday, September 18, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on the Courts, Intellectual Property, and the Internet will hold a hearing titled, “The Role of Voluntary Agreements in the U.S. Intellectual Property System.”
5. **Alaska Wildlife Management.** On Thursday, September 19, 2013, at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building, the Senate Energy and Natural Resources Committee will hold a hearing on wildlife management authority in Alaska under the Alaska National Interest Lands Act and the Alaska Claims Settlement Act.
6. **The Affordable Care Act.** On Thursday, September 19, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial, and Antitrust Law will hold a hearing titled, “The Patient Protection and Affordable Care Act, Consolidation, and the Consequent Impact on Competition in Healthcare.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: Peter Joseph Kadzik, Assistant Attorney General, Office of Legislative Affairs; and John P. Carlin, Assistant Attorney General, National Security Division.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Todd M. Hughes, Fed. Circuit; Colin Stirling Bruce, CD IL; Sara Lee Ellis, ND IL; Andrea R. Wood, ND IL; Madeline Hughes Haikala, ND AL; Patricia Ann Millet, DC Circuit; Gregory Howard Woods, SD NY; Debra M. Brown, ND MI; and Elizabeth A. Wolford, WD NY.

On Thursday, September 19, 2013, the Senate Judiciary Committee will consider the following nominations: Cornelia T. Pillard, DC Circuit; Landya B. McCafferty, D, NH; Brian Morris, D MT; Susan P. Waters, D MT; and Jeffrey Alker Meyer, D CT.

3. **U.S. Attorneys.** The following nomination is pending in the Senate Judiciary Committee: Kenneth Allen Polite, Jr., ED LA.

The following nomination is pending in the Senate Judiciary Committee: Zachary Thomas Fardon, ND IL.

4. **U.S. Marshals.** The following nominations are pending in the Senate Judiciary Committee: Robert L. Hobbs, ED TX; Amos Rojas, Jr., SD FL; Gary L. Blankenship, SD TX; and Peter C. Tobin, SD OH.

D. Briefings

1. **September 11th Victim Compensation Fund.** On Monday, September 16, 2013, at 2:30 p.m. in Room 420-C of the Hart Senate Office Building, Sheila L. Birnbaum, Special Master of the September 11th Victim Compensation Fund (Fund), will meet with staff from various New York delegation offices to provide an update on the activities of the Fund and the impending due date for registration.
2. **Sentencing Reform.** On Tuesday, September 17, 2013, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, Matthew Axelrod, Associate Deputy Attorney General, Office of the Deputy Attorney General; Crystal L. Brown, Senior Counsel, Office of the Deputy Attorney General; and Lee J. Lofthus, Assistant Attorney General, Justice Management Division, will meet with staff from the Senate Judiciary Committee to discuss sentencing reform.
3. **Chief Information Officer.** On Thursday, September 19, 2013, at 11:30 a.m. in Room 513 of the Hart Senate Office Building, Luke J. McCormack, Chief Information Officer (CIO) for the Department, will brief staff from the Senate Homeland Security and Governmental Affairs Committee on the CIO's work within the Department.
4. **Virtual Currency.** On Thursday, September 19, 2013, at 2:30 p.m. at a location to be determined, staff from the Federal Bureau of Investigation and the Asset Forfeiture and Money Laundering Section of the Criminal Division will provide a briefing to House Financial Services Committee Majority Staff on law enforcement perspectives in dealing with virtual currency issues.

5. **Online Lending.** Early this week (time and location to be determined), Maame Ewusi-Mensah Frimpong, Deputy Assistant Attorney General, Civil Division will brief staff of various House Members offices and staff from the Senate Banking Committee on recent press regarding Department law enforcement activities regarding online lending.

E. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Thursday, September 19, 2013 at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S.357, the “National Blue Alert Act of 2013,” a bill to encourage, enhance and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

F. Floor

1. The Senate will resume consideration of the following legislation:
 - S. 1392, the “Energy Savings and Industrial Competitiveness Act of 2013,” a bill to promote energy savings in residential buildings and industry.
2. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 1410, the “Keep the Promise Act of 2013,” a bill to prohibit gaming activities on certain Indian lands in Arizona until the expiration of certain gaming compacts.
 - H.R. 1003, to improve consideration by the Commodity Futures Trading Commission of the costs and benefits of its regulations and orders, as amended.
 - H.R. 2449, to authorize the President to extend the term of the Agreement of Cooperation between the Government of the United States of American and the Government of the Republic of Korea concerning Civil Uses of Nuclear Energy for a period not to exceed March 19, 2016.
 - H.R. 301, to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.
 - S.793, the “Organization of American States Revitalization and Reform Act of 2013,” a bill to support revitalization and reform of the Organization of American states.
 - H.R. 3092, to amend the Missing Children’s Assistance Act.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 1526, the “Restoring Healthy Forests for Healthy Communities Act,” a bill to restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land.

- H.R. 761, the “National Strategic and Critical Minerals Production Act of 2013,” a bill to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness.
- H.R. 687, the “Southern Arizona Land Exchange Conservation Act of 2013,” a bill to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land.
- H.R. __, the “Nutrition Reform Work Opportunity Act,”
- H.J.Res __, Continuing Appropriations Resolution 2014.

G. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary Committees will be considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. The Department will be participating in numerous hearings and briefings and providing technical assistance in coordination with our interagency partners as those efforts move forward.
2. **Immigration Reform.** Last June, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. In the House, a bipartisan group of representatives still hopes to introduce a comprehensive bill. However, the House Judiciary and Homeland Security committees have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear which legislation, if any, they will bring to the floor. In October, on a date to be determined, the Department will testify at a hearing on border security before the House Oversight and Government Reform Subcommittee on National Security. The hearing was originally scheduled for September 18, 2013, and has now been postponed.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications Privacy Act and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce). The House Judiciary Committee is developing its own legislation, which it hopes to have ready for introduction in September.
4. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention this fall and that the Department will provide a witness.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 23, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending September 27, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities.

A. Hearings at which the Department is testifying

- 1. Human Trafficking.** On Monday, September 23, 2013, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building, Anne Gannon, National Coordinator for Child Exploitation Prevention and Interdiction, Office of the Deputy Attorney General and Joseph S. Campbell, Deputy Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation will testify before the Senate Homeland Security and Governmental Reform Committee at a hearing titled, "Combating Human Trafficking: Federal, State, and Local Perspectives."
- 2. Synthetic Drugs.** On Wednesday, September 25, 2013 at 2:30 p.m. in Room 138 of the Dirksen Senate Office Building, Timothy J. Heaphy, U.S. Attorney for the Western District of Virginia and Joseph T. Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency will testify before the Senate Drug Caucus at a hearing titled, "Dangerous Synthetic Drugs."
- 3. Foreign Intelligence Surveillance.** On Thursday, September 26, 2013, at 2:30 p.m. in Room 216 of the Hart Senate Office Building, James M. Cole, Deputy Attorney General, will testify before the Senate Select Committee on Intelligence at an open hearing on the Foreign Intelligence Surveillance Act.

B. Pending Nominations

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: Peter Joseph Kadzik, Assistant Attorney General, Office of Legislative Affairs; John P. Carlin, Assistant Attorney General, National Security Division; and Leslie R. Caldwell, Criminal Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Colin Stirling Bruce, CD IL; Sara Lee Ellis, ND IL; Andrea R. Wood, ND IL; Madeline Hughes Haikala, ND AL; Patricia Ann Millet, DC Circuit; Gregory Howard Woods, SD NY; Debra M. Brown, ND MI; Elizabeth A. Wolford, WD NY; Cornelia T.L. Pillard, DC Cir; Landya B. McCafferty, D NH; Brian Morris, D MT; and Jeffrey Alker Meyer, D CT.

On Tuesday, September 24, 2013, the Senate is expected to proceed to executive session to consider the following nomination: Todd M. Hughes, Fed. Cir.

On Wednesday, September 25, 2013, the Senate Judiciary Committee is scheduled to hold a hearing on the following nominations: Carolyn B. McHugh, Tenth Circuit; Pamela L. Reeves, ED TN; Vince Girdhari Chhabria, ND CA; and James Maxwell Moody, Jr., ED AR.

3. **U.S. Attorneys.** On Thursday, September 26, 2013, the Senate Judiciary Committee is scheduled to vote on the following nomination: Zachary Thomas Fardon, ND IL.
4. **U.S. Marshals.** The following nominations are pending in the Senate Judiciary Committee: Robert L. Hobbs, ED TX; Amos Rojas, Jr., SD FL; Gary L. Blankenship, SD TX; and Peter C. Tobin, SD OH.

C. Briefings

1. **Foreign Intelligence Surveillance.** On Tuesday, September 24, 2013, at 2:00 p.m. in Room 219 of the Hart Senate Office Building, Brad Wiegmann, Deputy Assistant Attorney General, National Security Division will participate in a closed meeting with Members of the Senate Select Committee on Intelligence and their staff on the Foreign Intelligence Surveillance Act.
2. **Supportive School Discipline Initiative.** On Tuesday, September 24, 2013, at 5:00 p.m. (Location TBD), representatives from the Community Oriented Policing Services and Office of Justice Programs will provide a briefing to staffers for Senators Murphy and Durbin on issues regarding School Resource Officers and the Supportive School Discipline Initiative.
3. **Foreign Intelligence Surveillance.** On Wednesday, September 25, 2013, at 1:00 p.m. in Room 217 of the Senate Visitor Center, James M. Cole, Deputy Attorney General will participate in a closed briefing for Senate Judiciary Committee members on the Foreign Intelligence Surveillance Act.

4. **1996 Task Force.** On Friday, September 27, 2013, at 1:00 p.m. (Location TBD), representatives from the Criminal Division and the Executive Office for United States Attorneys will provide a briefing to Senate Judiciary Committee staff members on issues related to the 1996 Task Force that examined FBI Crime Lab practices.

D. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Thursday, September 26, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S.42, the “Criminal Antitrust Anti-Retaliation Act of 2013,” a bill to provide anti-retaliation protections to antitrust whistleblowers.

E. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 1961, a bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating from the Boundary Line.
 - H.R. 3095, a bill to ensure that any new or revised requirement providing for the screening, testing, or treatment of individuals operating commercial motor vehicles for sleep disorders is adopted pursuant to a rulemaking proceeding.
 - H.R. 2600, a bill to amend the Interstate Land Sales Full Disclosure Act to clarify how the Act applies to condominiums.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 687, the “Southeast Arizona Land Exchange and Conservation Act of 2013,” a bill to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land.

The House may consider the following legislation:

- Further action on H.J.Res.59, the Continuing Appropriations Resolution, 2014.

F. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary Committees will be considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. The Department will be participating in numerous hearings and briefings and providing technical assistance in coordination with our interagency partners as those efforts move forward.

2. **Immigration Reform.** Last June, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. In the House, while a bipartisan group of representatives still hopes to introduce a comprehensive bill, several members of that group (initially known as the “Gang of Eight”) have left the group over the past several days. Meanwhile, the House Judiciary and Homeland Security committees have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear which legislation, if any, they will bring to the floor. On October 10, the Department will testify at a hearing on border security before the House Oversight and Government Reform Subcommittee on National Security.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications Privacy Act and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce). The House Judiciary Committee is developing its own legislation, which it hopes to have ready for introduction this fall.
4. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention this fall and that the Department will provide a witness.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 30, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 4, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities (subject to any government shutdown during this period).

A. Hearings at which the Department is Testifying

1. **Threats to the U.S.** On Thursday, October 3, 2013, at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, Sean M. Joyce, Deputy Director, Federal Bureau of Investigation will testify before the Senate Homeland Security and Governmental Affairs Committee at a hearing titled, "Threats to the Homeland." Rand Beers, Acting Secretary of Homeland Security and Matthew G. Olsen, Director, National Counterterrorism Center, Office of the Director of National Intelligence, will also testify.

B. Hearings of Interest to the Department

1. **Office of Information and Regulatory Affairs.** On Monday, September 30, 2013, at 4:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial, and Antitrust Law will hold a hearing titled, "The Office of Information and Regulatory Affairs: Federal Regulations and Regulatory Reform."
2. **Navy Yard Shooting.** On Tuesday, October 1, 2013, at 10:30 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental

Affairs Committee will hold a hearing titled, “The Navy Yard Tragedy: Examining Government Clearances and Background Checks.”

3. **Entry-Exit Visa System.** On Tuesday, October 1, 2013, at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Immigration and Border Security will hold a hearing titled, “Implementation of an Entry-Exit System: Still Waiting After All These Years.”
4. **Foreign Intelligence Surveillance Act.** On Wednesday, October 2, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, “Continued Oversight of the Foreign Intelligence Surveillance Act.” James R. Clapper, Director of National Intelligence and Gen. Keith B. Alexander, Director, National Security Agency will testify.
5. **Federal Response to Marijuana Legalization.** On Wednesday, October 2, 2013, at 10:00 a.m. in Room 2247 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on Government Operations will hold a hearing titled, “Examining the Federal Response to Marijuana Legalization.”
6. **The President’s Duty to Faithfully Execute the Laws.** On Wednesday, October 2, 2013, at 11:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, “The President’s Constitutional Duty to Faithfully Execute the Laws.”
7. **Dodd-Frank and Competition in the Financial Industry.** On Wednesday, October 2, 2013, at 2:00 p.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial, and Antitrust Law will hold a hearing titled, “Dodd-Frank’s Impact on Competition in the Financial Industry.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: Peter Joseph Kadzik, Assistant Attorney General, Office of Legislative Affairs; John P. Carlin, Assistant Attorney General, National Security Division; and Leslie R. Caldwell, Assistant Attorney General, Criminal Division.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Andrea R. Wood, ND IL; Madeline Hughes Haikala, ND AL; Patricia Ann Millet, DC Circuit; Gregory Howard Woods, SD NY; Debra M. Brown, ND MS; Elizabeth A. Wolford, WD NY; Cornelia T.L. Pillard, DC Cir; Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; and Jeffrey Alker Meyer, D CT.

At a time to be determined this week, the Senate is expected to proceed to executive session to consider the following nominations: Colin Stirling Bruce, CD IL; and Sara Lee Ellis, ND IL.

On Thursday, October 3, 2013, the Senate Judiciary Committee will vote on the following nominations: Robert Leon Wilkins, DC Cir.; Brian J. Davis, MD FL; Timothy L. Brooks, WD AR; James Donato, ND CA; Beth Labson Freeman, ND CA; and Pedro A. Delgado Hernandez, D PR.

3. **U.S. Attorneys.** The following nomination is pending on the Senate Executive Calendar: Zachary Thomas Fardon, ND IL.
4. **U.S. Marshals.** The following nominations are pending in the Senate Judiciary Committee: Robert L. Hobbs, ED TX; Amos Rojas, Jr., SD FL; Gary L. Blankenship, SD TX; and Peter C. Tobin, SD OH.

C. Committee Markups & Business Meetings

1. **House Judiciary Committee.** On Tuesday, October 1, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 3190, a bill to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.
 - H.R. 1447, the “Death in Custody Reporting Act of 2013,” a bill to encourage states to report to the attorney general certain information regarding the deaths of individuals in the custody of law enforcement agencies.
2. **House Foreign Affairs Committee.** On Wednesday, October 2, 2013, at 10:00 a.m. in Room 2171 of the Rayburn House Office Building, the House Foreign Affairs Committee will mark up the following legislation:
 - H.R. ____, the “Sean and David Goldman International Child Abduction Prevention and Return Act of 2013.”
3. **Senate Judiciary Committee.** On Thursday, October 3, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S.42, the “Criminal Antitrust Anti-Retaliation Act of 2013,” a bill to provide anti-retaliation protections to antitrust whistleblowers.
 - S. 822, the “Justice for All Reauthorization Act,” a bill to protect crime victims’ rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

Senate Select Committee on Intelligence. On Thursday, October 3, 2013, at 2:30 p.m. in Room 219 of the Hart Senate Office Building, the Senate Select

Committee on Intelligence will hold a closed markup to consider legislation to reform the Foreign Intelligence Surveillance Act.

D. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 3174, a bill to authorize the secretary of Transportation to obligate funds for emergency relief projects arising for damage caused by severe weather events in 2013, and for other purposes.
 - S. 1348, the “Congressional Award Program Reauthorization Act of 2013,” a bill to reauthorize the Congressional Award Act.
2. Both the House and the Senate are expected to continue consideration of H.J.Res. 59, the “Continuing Appropriations Resolution, 2014,” in an effort to avert a government shutdown.

E. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary Committees are considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward.
2. **Immigration Reform.** Last June, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. In the House, while a bipartisan group of representatives still hopes to introduce a comprehensive bill, several members of that group (initially known as the “Gang of Eight”) have left the group over the past several days. Meanwhile, the House Judiciary and Homeland Security committees have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear which legislation, if any, they will bring to the floor. On October 10, the Department will testify at a hearing on border security before the House Oversight and Government Reform Subcommittee on National Security.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications Privacy Act and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce).

We also are providing technical assistance to the House Judiciary Committee, which is developing its own legislation for introduction this fall.

4. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention this fall and that the Department will provide a witness.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 21, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending October 25, 2013

The House is in session this week.

The following is a summary of our current activities:

A. Hearings of Interest to the Department

1. **Sex Trafficking of Youth in Foster Care.** On Wednesday, October 23, 2013, at 2:00 p.m. in Room 1100 of the Longworth House Office Building, the House Ways and Means Subcommittee on Human Resources will hold a hearing on sex trafficking of youth in the foster care system.

B. Pending Nominations

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: John P. Carlin, Assistant Attorney General, National Security Division; and Leslie R. Caldwell, Assistant Attorney General, Criminal Division.

On Wednesday, October 30, 2013, the Senate Judiciary Committee is expected to consider the nomination of Peter Joseph Kadzik to be Assistant Attorney General, Office of Legislative Affairs.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Patricia Ann Millet, DC Circuit; Gregory Howard Woods, SD NY; Debra M. Brown, ND MS; Elizabeth A. Wolford, WD NY; Cornelia T.L. Pillard,

DC Cir; Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; and Jeffrey Alker Meyer, D CT.

On Wednesday, October 30, 2013, the Senate Judiciary Committee is expected to consider the following nominations: John B. Owens, Ninth Cir.; Matthew Frederick Leitman, ED MI; Judith Ellen Levy, ED MI; Laurie J. Michelson, ED MI; and Linda Vivienne Parker, ED MI.

3. **U.S. Marshals.** The following nominations are pending in the Senate Judiciary Committee: Robert L. Hobbs, ED TX; Amos Rojas, Jr., SD FL; Gary L. Blankenship, SD TX; and Peter C. Tobin, SD OH.

C. **Briefings**

1. **Electronic Communications Privacy Act.** On Tuesday, October 22, 2013, at 3:30 p.m. in Room 2146 of the Rayburn House Office Building, Steven B. Siger, Acting Chief of Staff, Office of Legal Policy, Richard Downing, Deputy Section Chief, Criminal Division, Nathan Judish, Trial Attorney for the Computer Crime and Intellectual Property Section of the Criminal Division and Kathleen Toomey, Deputy Section Chief of the Civil Rights Division, will brief staff of the House Judiciary Committee on issues related to the Electronic Communications Privacy Act.
2. **ATF Pre-Publication Review.** On Thursday, October 24, 2013, at a time and location to be determined, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will provide staff for the House Committee on Oversight and Government Reform a briefing on ATF's position regarding publication of a book titled, "The Unarmed Truth: My Fight To Blow the Whistle and Expose Fast and Furious" by SA John Dodson.
3. **Human Trafficking.** On Wednesday, October 23, 2013 at 10:00 a.m. in Room 233 of the Cannon House Office Building, Anne Gannon, National Coordinator for Child Exploitation Prevention and Interdiction, Office of the Deputy Attorney General; and Drew Oosterbaan, Section Chief and Alexandra Gelber, Assistant Deputy Chief from the Child Exploitation and Obscenity Section of the Criminal Division will provide a briefing on human trafficking efforts to the office of Congressman Frank Wolf.

D. **Floor**

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - H.R. 185, a bill to designate the United States courthouse located at 101 East Pecan Street in Sherman Texas, as the "Paul Brown United States Courthouse."
 - H.R. 2083, the "Protecting Students from Sexual and Violent Predators Act," a bill to amend the Elementary and Secondary Education Act of 1964 to require criminal background checks for school employees.

- H.R. 3205, the “Promoting Adoption and Legal Guardianship for Children in Foster Care Act,” a bill to reauthorize and restructure the adoption incentives grant program.

The House will take up the following legislation subject to a rule:

- H.R. 3080, the “Water Resources Reform and Development Act of 2013,” a bill to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

E. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary Committees are considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward.
2. **Immigration Reform.** Last June, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. Meanwhile, the House Judiciary and Homeland Security committees have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. In addition, on October 2, 2013, Democrats in the House introduced legislation that substantially mirrored the Senate-passed legislation. It is highly unlikely that this bill will ever be considered by the House. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear which legislation, if any, they will bring to the floor.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications Privacy Act and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce). We also are providing technical assistance to the House Judiciary Committee (see, e.g., the briefing listed on page 2 above), which is developing its own legislation for introduction this fall.
4. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention this fall, and that the Department will provide a witness.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 28, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 1, 2013

Both the Senate and the House are in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Foreign Intelligence Surveillance Act.** On Tuesday, October 29, 2013, at 1:30 p.m. in Room 210 of the House Visitor Center, James M. Cole, Deputy Attorney General, will testify before the House Permanent Select Committee on Intelligence at an open hearing on the Foreign Intelligence Surveillance Act. Also testifying will be James R. Clapper, Director of National Intelligence, and General Keith B. Alexander, Director of the National Security Agency.

B. Hearings of Interest to the Department

1. **Stand Your Ground Laws.** On Tuesday, October 29, 2013, at 10:00 a.m. in Room 216 of the Hart Senate Office Building, the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights will hold a hearing titled, "Stand Your Ground Laws: Civil Rights and Public Safety Implications for the Expanded Use of Deadly Force."
2. **Patent Law.** On Tuesday, October 29, 2013, at 10:00 a.m. in Room 2151 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing on H.R. 3309, the "Innovation Act," a bill to amend title 35, United States Code, and the Leahy-Smith America Invests Act to make improvements and technical corrections.

3. **Judgeships.** On Tuesday, October 29, 2013, at 2:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, “Are More Judges Always the Answer?”
4. **Navy Yard Shooting.** On Wednesday, October 30, 2013, at 9:30 a.m. in Room 210 of the Cannon House Office Building, the House Homeland Security Subcommittee on Oversight and Management Efficiency will hold a hearing titled, “Facility Protection: Implications of the Navy Yard Shooting on Homeland Security.”
5. **Regulatory Crime.** On Wednesday, October 30, 2013, at 9:30 a.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Committee Over-Criminalization Task Force will hold a hearing titled, “Regulatory Crime: Identifying the Scope of the Problem.”
6. **Navy Yard Shooting.** On Thursday, October 31, 2013, at 10:00 a.m. in Room 352 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing titled, “The Navy Yard Tragedy: Examining Government Clearances and Background Checks.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: John P. Carlin, Assistant Attorney General, National Security Division; and Leslie R. Caldwell, Assistant Attorney General, Criminal Division.

On Wednesday, October 30, 2013, the Senate Judiciary Committee will hold a hearing on the following nomination: Peter Joseph Kadzik to be Assistant Attorney General, Office of Legislative Affairs.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Patricia Ann Millet, DC Circuit; Gregory Howard Woods, SD NY; Debra M. Brown, ND MS; Elizabeth A. Wolford, WD NY; Cornelia T.L. Pillard, DC Circuit; Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; and Jeffrey Alker Meyer, D CT.

On Wednesday, October 30, 2013, the Senate Judiciary Committee will hold a hearing on the following nominations: John B. Owens, Ninth Cir.; Matthew Frederick Leitman, ED MI; Judith Ellen Levy, ED MI; Laurie J. Michelson, ED MI; and Linda Vivienne Parker, ED MI.

On Thursday, October 31, 2013, the Senate Judiciary Committee will vote on the following nominations: Robert Leon Wilkins, DC Circuit; Brian J. Davis, MD FL; Timothy L. Brooks, WD AR; James Donato, ND CA; Beth Labson Freeman, ND CA; and Pedro A. Delgado Hernandez, D PR.

3. **U.S. Marshals.** The following nominations are pending in the Senate Judiciary Committee: Robert L. Hobbs, ED TX; Amos Rojas, Jr., SD FL; Gary L. Blankenship, SD TX; and Peter C. Tobin, SD OH.

D. Briefings

1. **Sentencing Reform.** On Tuesday, October 29, 2013, at 1:00 p.m. in Room 226 of the Dirksen Senate Office Building, Matthew Axelrod, Associate Deputy Attorney General; Crystal L. Brown, Senior Counsel to the Deputy Attorney General; and Lee J. Lofthus, Assistant Attorney General, Justice Management Division, will brief Democratic staff from the Senate Judiciary Committee on the budgetary impact of sentencing reform proposals.
2. **Human Rights.** On Wednesday, October 30, 2013, at 12:30 p.m. in Room 711 of the Hart Senate Office Building, Teresa McHenry, Eli Rosenbaum and Kathleen O'Connor from the Department's Criminal Division, Human Rights and Special Prosecutions Section as well as representatives from the FBI's Genocide and War Crimes Program and ICE Human Rights Enforcement personnel will brief staff for Chairman Durbin's Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights on human rights enforcement.

E. Committee Markups & Business Meetings

1. **Senate Select Committee on Intelligence.** On Tuesday, October 29, 2013, at 2:30 p.m. in Room 219 of the Hart Senate Office Building, the Senate Select Committee on Intelligence will mark up the following legislation in a closed hearing:
 - S. __ the, "Foreign Intelligence Surveillance Act."
2. **Senate Judiciary Committee.** On Thursday, October 31, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 42, the "Criminal Antitrust Anti-Retaliation Act of 2013," a bill to provide anti-retaliation protections for antitrust whistleblowers.
 - S. 822, the "Justice for All Reauthorization Act," a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:

- H.R. 3304, a bill to authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict.
- H.R. 1742, the “Vulnerable Veterans Housing Reform Act of 2013,” a bill to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance.
- H.R. 2189, a bill to establish a commission or task force to evaluate the backlog of disability claims of the Department of Veterans Affairs.
- H.R. 2481, the “Veterans Economic Opportunity Act of 2013,” a bill to amend title 38, United States Code, to codify and improve the election requirements for the receipt of educational assistance under the Post-9/11 Educational Assistance program of the Department of Veterans Affairs.
- H.R. 1405, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include an appeals form in any notice of decision issued for the denial of a benefit sought.
- H.R. 2640, the “Central Oregon Jobs and Water Security Act,” a bill to amend the Wild and Scenic Rivers Act to adjust Crooked River boundary, to provide water certainty for the City of Prineville, Oregon.
- H.R. 623, the “Alaska Native Tribal Health Consortium Land Transfer Act,” a bill to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium.
- H.R. 330, the “Distinguished Flying Cross National Memorial Act,” a bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.
- H.R. 2337, the “Lake Hill Administrative Site Affordable Housing Act,” a bill to provide conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado.
- H.R. 2011, the “Veterans’ Advisory Committee on Education Improvement Act of 2013,” a bill to amend title 38, United States Code, to provide for a two-year extension of the Veterans’ Advisory Committee on Education.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 2374, the “Retail Investor Protection Act,” a bill to amend the Securities Exchange Act of 1934 to provide protections for retail customers.
- H.R. 992, the “Swaps Regulatory Improvement Act,” a bill to amend provisions in section 716 of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to Federal assistance for swap entities.
- H.J. Res. __, Relating to the disapproval of the President’s exercise of authority to suspend the debt limit, as submitted under section 1002(b) of the Continuing Appropriations Act, 2014 on October 17, 2013

G. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary Committees are considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward.
2. **Immigration Reform.** Last June, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, a bipartisan package of legislative proposals to provide for comprehensive immigration reform. Meanwhile, the House Judiciary and Homeland Security committees have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. In addition, on October 2, 2013, Democrats in the House introduced legislation that substantially mirrored the Senate-passed legislation. It is highly unlikely that this bill will ever be considered by the House. House Republican leaders have indicated that the House will not take up the Senate bill, and it remains unclear which legislation, if any, they will bring to the floor. At present, there are fewer than 20 legislative days remaining on the House's calendar this year.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform the Electronic Communications Privacy Act and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce). We also are providing technical assistance to the House Judiciary Committee (see, e.g., the briefing listed on page 2 above), which is developing its own legislation for introduction this fall.
4. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention this fall, and that the Department will provide a witness.
5. **National Defense Authorization Act for FY 2014.** We anticipate that the full Senate will consider the 2014 NDAA in mid-November, and we are working closely with the interagency to ensure that the Guantanamo-related provisions in the bill reported by the Senate Armed Services Committee are not removed or diluted on the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 4, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 8, 2013

The Senate is in session this week.

The following is a summary of our current activities:

A. Hearings at Which the Department is Testifying

1. **Bureau of Prisons Oversight.** On Wednesday, November 6, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, Charles E. Samuels, Director, Federal Bureau of Prisons, will testify before the Senate Judiciary Committee at a hearing concerning oversight of the Bureau of Prisons.

B. Hearings of Interest to the Department

1. **Civil Discovery.** On Tuesday, November 5, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Subcommittee on Bankruptcy and the Courts will hold a hearing titled, "Changing the Rules: Will Limiting the Scope of Civil Discovery Diminish Accountability and Leave Americans Without Access to Justice?"

C. Pending Nominations

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: John P. Carlin, Assistant Attorney General, National

Security Division; Leslie R. Caldwell, Assistant Attorney General, Criminal Division; and Peter J. Kadzik, Assistant Attorney General, Office of Legislative Affairs.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Patricia Ann Millet, DC Circuit; Elizabeth A. Wolford, WD NY; Cornelia T.L. Pillard, DC Circuit; Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; Jeffrey Alker Meyer, D CT; Robert Leon Wilkins, DC Circuit; Brian J. Davis, MD FL; Timothy L. Brooks, WD AR; James Donato, NDCA; Beth Labson Freeman, NDCA; Pedro A. Delgado Hernandez; D PR.

Patricia Ann Millet, DC Circuit (considered by Senate on October 31, 2013, but failed to obtain the 60 votes needed to end debate).

On Monday, November 4, 2013, the Senate is expected to proceed to executive session to consider the following nominations: Gregory Howard Woods, SD NY; and Debra M. Brown, D MS.

On Wednesday, November 6, 2013, the Senate Judiciary Committee will hold a hearing on the following nominations: Michelle T. Friedland, Ninth Circuit; Christopher Reid Cooper, D DC; Gerald Austin McHugh, Jr., ED PA; M. Douglas Harpool, WD MO; and Edward G. Smith, ED PA.

3. **U.S. Marshals.** The following nominations are pending in the Senate Judiciary Committee: Robert L. Hobbs, ED TX; Amos Rojas, Jr., SD FL; Gary L. Blankenship, SD TX; and Peter C. Tobin, SD OH.

D. Floor

1. The Senate is scheduled to take up the following legislation:
 - S. 815, the “Employment Non-Discrimination Act of 2013,” a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

E. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary Committees are considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. On October 31, 2013, the Senate Select Committee on Intelligence reported S. 1631, the FISA Improvements Act of 2013. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward.

2. **Immigration Reform.** Last June, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act. Meanwhile, the House Judiciary and Homeland Security Committees have reported out of committee five individual immigration bills dealing with border enforcement, internal enforcement provisions, E-verify, agricultural work visas, and other matters. In addition, Democrats in the House have introduced legislation (H.R. 15) that substantially mirrors the Senate-passed legislation. Recently, three Republicans became cosigners to H.R. 15, and the Administration and House Democrats continue to push House Republican leadership to bring up a bill for a vote before the end of the year. However, it is highly unlikely that H.R. 15 will ever be considered by the House, given the minimal Republican support, and the fact that House Republican leadership has stated recently it will not vote on any comprehensive immigration legislation. Nor is it expected that any immigration legislation will be considered in the House before the end of this year. Fewer than 20 legislative days remain; several House Republican leaders have indicated that the House will not vote on any immigration bills in that time.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform ECPA and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce). We also are providing technical assistance to the House Judiciary Committee, which is developing its own legislation for introduction this fall.
4. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee will hold a hearing on ratification of the Convention this fall, and that the Department will provide a witness.
5. **National Defense Authorization Act for FY 2014.** We anticipate that the full Senate will consider the 2014 NDAA in mid-November, and we are working closely with the interagency counterparts to ensure that the Guantanamo-related provisions in the bill reported by the Senate Armed Services Committee are not removed or diluted on the floor.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 12, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 15, 2013

Both the Senate and House are in session this week.

The following is a summary of our current activities:

A. Hearings at Which the Department is Testifying

1. **Surveillance Transparency Act.** On Wednesday, November 13, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, J. Bradford Wiegmann, Deputy Assistant Attorney General, National Security Division will testify before the Senate Judiciary Subcommittee on Privacy, Technology and the Law at a hearing on S. 1452, the "Surveillance Transparency Act," a bill to enhance transparency for certain surveillance programs authorized by the Foreign Intelligence Surveillance Act of 1978. Also testifying will be Robert S. Litt, General Counsel, Office of the Director of National Intelligence.
2. **Border Security.** On Thursday, November 14, 2013, at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, Juan P. Osuna, Director, Executive Office for Immigration Review will testify before the House Oversight and Government Reform Subcommittee on National Security at a hearing titled, "Border Security Oversight, Part III: Border Crossing Cards and B1/B2 Visas."
3. **Threats to the Homeland.** On Thursday, November 14, 2013, at 10:00 a.m. in Room 342 of the Dirksen Senate Office Building, James B. Comey, Jr., Director, Federal Bureau of Investigation will testify before the Senate Homeland Security and Governmental Affairs committee at a hearing titled, "Threats to the Homeland." Also

testifying will be Matthew G. Olsen, Director, National Counterterrorism Center and Rand Beers, Acting Secretary, Department of Homeland Security.

4. **Antitrust Cartel Prosecution.** On Thursday, November 14, 2013, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, William J. Baer, Assistant Attorney General, Antitrust Division and Ronald T. Hosko, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation will testify before the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights at a hearing titled, “Cartel Prosecution: Stopping Price Fixers and Protecting Consumers.”
5. **Antitrust Enforcement.** On Friday, November 15, 2013, at 9:00 a.m. in Room 2141 of the Rayburn House Office Building, William J. Baer, Assistant Attorney General, Antitrust Division will testify before the House Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights at a hearing titled, “Oversight of the Antitrust Enforcement Agencies.”

B. Hearings of Interest to the Department

1. **Affordable Care Act Implementation.** On Wednesday, November 13, 2013, at 9:30 a.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Committee will hold a hearing titled, “ObamaCare Implementation: The Rollout of Healthcare.gov.”
2. **Government Health Care Data Safety.** On Wednesday, November 13, 2013, at 10:00 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Committee will hold a hearing titled, “Cyber Side Effects: How Secure is the Personal Information Entered into the Flawed Healthcare.gov?”
3. **Entry-Exit System.** On Wednesday, November 13, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, “Implementation of an Entry-Exit System: Still Waiting After All These Years.”
4. **Security Clearance Vetting.** On Wednesday, November 13, 2013, at 2:00 p.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Counterterrorism and Intelligence will hold a hearing titled, “The Insider Threat to Homeland Security: Examining Our Nation’s Security Clearance Processes.”
5. **LAX Shooting.** On Thursday, November 14, 2013, at 9:30 a.m. in Room 311 of the Cannon House Office Building, the House Homeland Security Subcommittee on Transportation Security will hold a hearing titled, “TSA’s SPOT Program and Initial Lessons from the LAX Shooting.”
6. **Regulatory Crime.** On Thursday, November 14, 2013, at 10:00 a.m. in Room 2237 of the Rayburn House Office Building, the House Judiciary Committee Over-Criminalization Task Force will hold a hearing titled, “Regulatory Crime: Solutions.”

C. Pending Nominations

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: John P. Carlin, Assistant Attorney General, National Security Division; and Leslie R. Caldwell, Assistant Attorney General, Criminal Division; and Peter J. Kadzik, Assistant Attorney General, Office of Legislative Affairs.
2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Patricia Ann Millet (considered by the Senate on October 31, 2013, but failed to obtain the 60 votes needed to end debate), DC Circuit; Elizabeth A. Wolford, WD NY; Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; Jeffrey Alker Meyer, D CT; Robert Leon Wilkins, DC Circuit; Brian J. Davis, MD FL; Timothy L. Brooks, WD AR; James Donato, ND CA; Beth Labson Freeman, ND CA; Pedro A. Delgado Hernandez; D PR.

On Tuesday, November 12, 2013, the Senate is expected to proceed to executive session to consider the nomination of Cornelia T.L. Pillard, DC Circuit.

On Wednesday, November 13, 2013, the Senate Judiciary Committee will hold a hearing on the following nominations: Nancy L. Moritz, Tenth Circuit; Sheryl H. Lipman, WD TN; Stanley Allen Bastian, ED WA; and Manish S. Shah, ND IL.

On Thursday, November 14, 2013, the Senate Judiciary Committee is expected to vote on the following nominations: Carolyn B. McHugh, Tenth Circuit; Pamela L. Reeves, ED TN; Vince Girdhari Chhabria, ND CA; and James Maxwell Moody, Jr., ED AR.

3. **U.S. Marshals.** On Thursday, November 14, 2013, the Senate Judiciary Committee is expected to vote on the following nominations: Peter C. Tobin, SD OH; and Amos Rojas, Jr., SD FL.

D. Briefings

1. **Foreign Intelligence Surveillance Act.** On Tuesday, November 12, 2013, at 5:00 p.m. in Room 304 of the House Visitor Center, J. Bradford Wiegmann, Deputy Assistant Attorney General, National Security Division will participate in a closed briefing for the House Permanent Select Committee on Intelligence on issues related to the Foreign Intelligence Surveillance Act of 1978.

E. Committee Markups and Business Meetings

1. **Senate Judiciary Committee.** On Thursday, November 14, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:

- S. 619, the “Justice Safety Valve Act of 2013,” a bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments.
- S. 1410, the “Smarter Sentencing Act of 2013,” a bill to focus limited Federal resources on the most serious offenders.
- S. 1675, the “Recidivism Reduction and Public Safety Act of 2013,” a bill to reduce recidivism and increase public safety.
- S. 975, the “Court-Appointed Guardian Accountability and Senior Protection Act,” a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

F. Floor

1. The House is scheduled to take up the following legislation under suspension of the rules:
 - S. 252, the “PREEMIE Reauthorization Act,” a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.
 - S. 330, the “HIV Organ Policy Equity Act,” a bill to amend the Public Health Service Act to establish safeguards and standards for quality for research and transplantation of organs infected with human immunodeficiency virus (HIV).
 - S. 893, the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2013,” a bill to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.
 - H.R. 2922, a bill to extend the authority of the Supreme Court Police to protect court officials away from the Supreme Court grounds.
 - H.Res. 196, Supporting the Sixth Amendment of the United States Constitution, the right to counsel, as amended.
 - H.R. 2871, a bill to amend title 28, United States Code, to modify the composition of the southern judicial district of Mississippi to improve judicial efficiency, and for other purposes.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 982, the “Furthering Asbestos Claim Transparency (FACT) Act,” a bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos.
- H.R. 2655, the “Lawsuit Abuse Reduction Act of 2013,” a bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability.
- H.R. 3350, the “Keep Your Health Plan Act of 2013,” a bill to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement.

G. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary Committees are considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. On October 31, 2013, the Senate Select Committee on Intelligence reported S. 1631, the FISA Improvements Act of 2013. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward.
2. **National Defense Authorization Act for FY 2014.** The full Senate is expected to begin consideration of the 2014 NDAA as early as November 14. We are working closely with the White House and our interagency counterparts to ensure that the Guantanamo-related provisions in the bill reported by the Senate Armed Services Committee are not removed or diluted on the floor.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform ECPA and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce). We also are providing technical assistance to the House Judiciary Committee, which is developing its own legislation for introduction this fall.
4. **Convention on the Rights of Persons with Disabilities.** We anticipate that the Senate Foreign Relations Committee (SFRC) will hold a second hearing on ratification of the Convention as earlier as Tuesday November 19, 2013, where Secretaries Kerry and Shinseki will testify in support of the ratification of the Convention. It is not expected that the Department will provide a witness at that hearing. Officials from the Civil Rights Division, and the Office of Legislative Affairs continue to assist the Department of State by reviewing and providing technical assistance on possible “reservations, understandings and declarations” to the Convention that may be offered to win additional minority support for the Convention in SFRC and the Senate, and attending Senate Member and staff briefings on the Convention.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 18, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending November 22, 2013

Both the Senate and House are in session this week.

The following is a summary of our current activities:

A. Hearings at Which the Department is Testifying

1. **Virtual Currencies.** On Monday, November 18, 2013, at 3:00 p.m. in Room 342 of the Dirksen Senate Office Building, Mythili Raman, Acting Assistant Attorney General, Criminal Division testified before the Senate Homeland Security and Governmental Affairs Committee at a hearing titled, "Beyond Silk Road: Potential Risks, Threats, and Promises of Virtual Currencies." Also testifying were Edward W. Lowery, III, Special Agent in Charge, United States Secret Service and Jennifer S. Calvery, Director, Financial Crimes Enforcement Network.
2. **Surveillance Authorities Oversight.** On Thursday, November 21, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, James M. Cole, Deputy Attorney General, will testify before the Senate Judiciary Committee at a hearing titled, "Continued Oversight of U.S. Government Surveillance Authorities." Also testifying will be Robert S. Litt, General Counsel, Office of the Director of National Intelligence and John C. Inglis, Deputy Director, National Security Agency.

B. Hearings of Interest to the Department

1. **Healthcare.gov Security.** On Tuesday, November 19, 2013, at 10:00 a.m. in Room 2318 of the Rayburn House Office Building, the House Science, Space and Technology Committee will hold a hearing titled, “Is My Data on Healthcare.gov Secure?”
2. **Healthcare.gov Security.** On Tuesday, November 19, 2013, at 10:15 a.m. in Room 2123 of the Rayburn House Office Building, the House Energy and Commerce Subcommittee on Oversight and Investigations will hold a hearing titled, “Security of Healthcare.gov.”
3. **Innovation and Content Delivery Methods.** On Tuesday, November 19, 2013, at 1:30 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet will hold a hearing titled, “The Rise of Innovative Business Models: Content Delivery Methods in the Digital Age.”
4. **Virtual Currencies.** On Tuesday, November 19, 2013, at 3:30 p.m. in Room 538 of the Dirksen Senate Office Building, the Senate Banking, Housing, and Urban Affairs Subcommittee on National Security and International Trade and Finance and Subcommittee on Economic policy will hold a joint hearing titled, “Virtual Currencies.”
5. **Trust Land Acquisitions.** On Wednesday, November 20, 2013, at 2:30 p.m. in Room 628 of the Dirksen Senate Office Building, the Senate Indian Affairs Committee will hold a hearing titled, “Carcieri: Bringing Certainty to Trust Land Acquisitions.”
6. **Disability Rights.** On Thursday, November 21, 2013, at 9:30 a.m. in Room G-50 of the Senate Dirksen Office Building, the Senate Foreign Affairs Committee will hold a hearing on the United Nations Convention on the Rights of Persons with Disabilities.
7. **Disparate Impact.** On Thursday, November 21, 2013, at 10:00 a.m. in Room 2128 of the Rayburn House Office Building, the House Financial Services Subcommittee on Oversight and Investigations will hold a hearing titled, “A General Overview of Disparate Impact Theory.”

C. **Pending Nominations**

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: John P. Carlin, Assistant Attorney General, National Security Division; Leslie R. Caldwell, Assistant Attorney General, Criminal Division; and Debo Adegbile, Assistant Attorney General, Civil Rights Division.

On Thursday, November 21, 2013, the Senate Judiciary Committee is expected to vote on the nomination of Peter J. Kadzik to be Assistant Attorney General, Office of Legislative Affairs.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Patricia Ann Millet (considered by the Senate on October 31, 2013, but failed to obtain the 60 votes needed to end debate), DC Circuit; Elizabeth A.

Wolford, WD NY; Cornelia T.L. Pillard, DC Circuit (considered by the Senate on November 12, 2013, but failed to obtain the 60 votes needed to end debate); Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; Jeffrey Alker Meyer, D CT; Brian J. Davis, MD FL; Timothy L. Brooks, WD AR; James Donato, ND CA; Beth Labson Freeman, ND CA; Pedro A. Delgado Hernandez; D PR; Carolyn B. McHugh, Tenth Circuit; Pamela L. Reeves, ED TN; Vince Girdhari Chhabria, ND CA; and James Maxwell Moody, Jr., ED AR.

On Monday, November 18, 2013, the Senate is expected to proceed to executive session to consider the nomination of Robert Leon Wilkins, DC Circuit.

On Wednesday, November 20, 2013, the Senate Judiciary Committee will consider the following nomination: David Jeremiah Barron, First Circuit.

3. **U.S. Marshals.** The following U.S. Marshal nominations are pending on the Senate Executive Calendar: Peter C. Tobin, SD OH; and Amos Rojas, Jr., SD FL.

D. Briefings

1. **Vaccine Injury Compensation Program (VICP).** On Tuesday, November 19, 2013, at 3:15 p.m. in Room 2157 of the Rayburn House Office Building, members of the Civil Division, including Rupa Bhattacharyya, Director; Vincent Matanoski, Deputy Director; and Gabrielle Fielding, Assistant Director of the Constitutional and Specialized Tort Litigation Branch, will brief bipartisan staff from the House Oversight and Government Reform Committee on oversight of the vaccine injury compensation program.
2. **Foreign Intelligence Surveillance Act (FISA).** On Wednesday, November 20, 2013, at 2:00 p.m. in Room 304 of the House Visitor Center, J. Bradford Wiegmann, Deputy Assistant Attorney General, National Security Division, will participate in a closed briefing for Congressman Justin Amash and other members of Congress on Foreign Intelligence Surveillance Act authorities, including Sections 215 and 702.
3. **Radiation Exposure Compensation Program (RECA).** On Wednesday, November 20, 2013, at 3:00 p.m. in Room 504 of the Cannon House Office Building, Dianne Spellberg, Senior Counsel for RECA, will brief Congressman Paul Gosar and staff on general oversight of the Radiation Exposure Compensation Program.

E. Committee Markups and Business Meetings

1. **House Judiciary Committee.** On Wednesday, November 20, 2013, at 11:15 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will mark up the following legislation:
 - H.R. 3309, the “Innovation Act,” a bill to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections.

2. **Senate Judiciary Committee.** On Thursday, November 21, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:

- S. 619, the “Justice Safety Valve Act of 2013,” a bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments.
- S. 1410, the “Smarter Sentencing Act of 2013,” a bill to focus limited Federal resources on the most serious offenders.
- S. 1675, the “Recidivism Reduction and Public Safety Act of 2013,” a bill to reduce recidivism and increase public safety.
- S. 975, the “Court-Appointed Guardian Accountability and Senior Protection Act,” a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

F. Floor

1. The Senate is scheduled to take up the following legislation:

- S. 1197, the “National Defense Authorization Act for Fiscal Year 2014,” a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year.

2. The House is scheduled to take up the following legislation under suspension of the rules:

- H.R. 2061, the “Digital Accountability and Transparency (DATA) Act of 2013,” a bill to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending.
- H.R. 3343, a bill to amend the District of Columbia Home Rule Act to clarify the rules regarding the determination of the compensation of the Chief Financial Officer of the District of Columbia.
- H.R. 3487, a bill to amend the Federal Election Campaign Act to extend through 2018 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission, to expand authority to certain violations and for other purposes.
- H.R. 272, a bill to designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the “General William H. Gourley Federal Outpatient Clinic: A Joint VA-DOD Health Care Facility,” as amended.
- S.Con.Res. 25, a concurrent resolution authorizing the use of Emancipation hall in the Capitol Visitor Center for activities associated with the ceremony to award the Congressional Gold Medal to Native American code talkers.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 1965, the “Federal Land Jobs and Energy Security Act,” a bill to streamline and ensure offshore energy permitting, provide for onshore leasing certainty, and

give certainty to oil shale development for American energy security, economic development, job creation, and for other purposes.

- H.R. 2728, the “Protecting States’ Rights to Promote American Energy Security Act,” a bill to recognize States’ authority to regulate oil and gas operations and promote American energy security, development and job creation.
- H.R. 1900, the “Natural Gas Pipeline Permitting Reform Act,” a bill to provide for the timely consideration of all licenses, permits and approvals required under Federal law with respect to the siting, construction, expansion or operation of any natural gas pipeline projects.

G. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** In light of recent unauthorized disclosures of classified information, the Senate and House Intelligence and Judiciary Committees are considering possible changes to the Foreign Intelligence Surveillance Act over the coming weeks. On October 31, 2013, the Senate Select Committee on Intelligence reported S. 1631, the FISA Improvements Act of 2013. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward.
2. **National Defense Authorization Act for FY 2014.** The full Senate has under consideration S. 1197, the National Defense Authorization Act for FY 2014. We are working closely with the White House and our interagency counterparts to ensure that the Guantanamo-related provisions in the bill reported by the Senate Armed Services Committee are not removed or diluted on the floor.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform ECPA and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce). We also are providing technical assistance to the House Judiciary Committee, which is developing its own legislation for introduction this fall.
4. **Convention on the Rights of Persons with Disabilities.** The Senate Foreign Relations Committee (SFRC) will hold a second hearing on ratification of the Convention on November 21, 2013, where Secretary Kerry will testify in support of the ratification of the Convention. No Department of Justice officials will be testifying at the hearing. Officials from the Civil Rights Division, and the Office of Legislative Affairs continue to assist the Department of State by reviewing and providing technical assistance on possible “reservations, understandings and declarations” to the Convention that may be offered to win additional minority support for the Convention in SFRC and the Senate, and attending Senate Member and staff briefings on the Convention.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 2, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 6, 2013

The House is in session this week.

The following is a summary of our current activities:

A. Hearings of Interest to the Department

1. **Faithful Execution of the Laws.** On Tuesday, December 3, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled, "The President's Constitutional Duty to Faithfully Execute the Laws."
2. **Bankruptcy Code.** On Tuesday, December 3, 2013, at 1:00 p.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law will hold a hearing titled, "The Bankruptcy Code and Financial Institution Insolvencies."

B. Pending Nominations

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: John P. Carlin, Assistant Attorney General, National Security Division; Leslie R. Caldwell, Assistant Attorney General, Criminal Division; Debo Adegbile, Assistant Attorney General, Civil Rights Division; and Peter J. Kadzik, Assistant Attorney General, Office of Legislative Affairs (hearing held on October 30, 2013; awaiting Committee vote).

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Elizabeth A. Wolford, WD NY; Cornelia T.L. Pillard, DC Cir. (considered by the Senate on November 12, 2013, but failed to obtain the 60 votes needed to end debate); Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; Jeffrey Alker Meyer, D CT; Robert L. Wilkins, DC Cir. (considered by the Senate on November 18, 2013, but failed to obtain the 60 votes needed to end debate); Brian J. Davis, MD FL; Timothy L. Brooks, WD AR; James Donato, ND CA; Beth Labson Freeman, ND CA; Pedro A. Delgado Hernandez; D PR; Carolyn B. McHugh, Tenth Cir.; Pamela L. Reeves, ED TN; Vince Girdhari Chhabria, ND CA; and James Maxwell Moody, Jr., ED AR.

On December 9, 2013, the Senate is expected to proceed to executive session to resume consideration of the nomination of Patricia Ann Millett, DC Cir.

3. **U.S. Attorneys.** The following U.S. Attorney nominations are pending in the Senate Judiciary Committee: Damon Paul Martinez, D NM; Kevin W. Techau, ND IA; and Andrew Mark Luger, D MN.
4. **U.S. Marshals.** The following U.S. Marshal nominations are pending on the Senate Executive Calendar: Peter C. Tobin, SD OH; and Amos Rojas, Jr., SD FL.

The following U.S. Marshal nominations are pending in the Senate Judiciary Committee: Robert L. Hobbs, ED TX; and Gary L. Blankenship, SD TX.

C. **Floor**

1. The House is schedule to take up the following legislation under suspension of the rules:
- H.R. 3547, “The Space Launch Liability Indemnification Extension Act,” a bill to extend the application of certain space launch liability provisions through 2014.
 - H.R. ___, a bill to extend the Undetectable Firearms Act of 1988 for 10 years.
 - H.R. 3588, the “Community Fire Safety Act of 2013,” a bill to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder and flux.
 - H.R. 1095, the “TSA Loose Change Act,” a bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that provide places of rest and recuperation at airports for members of the Armed Forces and their families.
 - H.R. 2719, the “Transportation Acquisition Security Reform Act,” a bill to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs.
 - H.R. 1204, the “Aviation Security Stakeholder Participation Act of 2013,” a bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security to establish an Aviation Security Advisory Committee.
 - H.R. 255, a bill to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions.

- H.R. 2388, a bill to authorize the Secretary of the Interior to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians.
- H.R. 1963, the “Bureau of Reclamation Conduit Hydropower Development Equity and Jobs Act,” a bill to amend the Water Conservation and Utilization Act to authorize the development of non-Federal hydropower and issuance of leases of power privileges at projects constructed pursuant to the authority of the Water Conservation and Utilization Act.
- H.R. 1241, a bill to facilitate a land exchange involving certain National Forest System lands into the Inyo National Forest.
- H.R. 1846, the “Lower East Side Tenement National Historic Site Amendments Act,” a bill to amend the Act establishing the Lower East Side Tenement National Historic Site.
- H.R. 2650, the “Fond du Lac Band of Lake Superior Chippewa Non-Intercourse Act of 2013,” a bill to allow the Fond du Lac Band of Lake Superior Chippewa in the States of Minnesota to lease or transfer certain land.

The House is scheduled to take up the following legislation subject to a rule:

- H.R. 1105, the “Small Business Capital Access and Job Preservation Act,” a bill to amend the Investment Advisers Act of 1940 to provide a registration exemption for private equity fund advisers.
- H.R. 3309, the “Innovation Act,” a bill to amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections.

D. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** The Senate and House Intelligence and Judiciary Committees are continuing work on possible changes to the Foreign Intelligence Surveillance Act. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward. The Deputy Attorney General will testify at a further hearing on this subject before the Senate Judiciary Committee on December 11.
2. **National Defense Authorization Act for FY 2014.** Chairman Levin is still hoping to complete work on S. 1197, the National Defense Authorization Act for FY 2014, which includes a number of Administration-supported provisions that would modify current restrictions on transfers from Guantanamo. However, it is uncertain whether these provisions will survive if the Armed Services Committees decide to try to move a pared-down bill through both houses.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform ECPA and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation

with the White House and the Department of Commerce). We also are providing technical assistance to the House Judiciary Committee, which is developing its own legislation for introduction this fall.

4. **Convention on the Rights of Persons with Disabilities.** The Senate Foreign Relations Committee (SFRC) held a second hearing on ratification of the Convention on November 21, 2013, where Secretary Kerry testified in support of the ratification of the Convention. The Administration is continuing to work with the Committee on “reservations, understandings and declarations” to the Convention that may be offered to win additional minority support for the Convention in SFRC and the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 9, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week ending December 13, 2013

The House is in session this week.

The following is a summary of our current activities:

A. Hearings at which the Department is testifying

1. **Foreign Intelligence Surveillance Act (FISA).** On Wednesday, December 11, 2013, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building, James M. Cole, Deputy Attorney General, will testify before the Senate Judiciary Committee at a hearing titled, "Continued Oversight of U.S. Government Surveillance Authorities." Also testifying will be General Keith B. Alexander, Director, National Security Agency and Robert S. Litt, General Counsel, Office of the Director of National Intelligence.

B. Hearings of Interest to the Department

1. **Asylum Law and Abuse.** On Thursday, December 12, 2013, at 10:00 a.m. in Room 2141 of the Rayburn House Office Building, the House Judiciary Committee will hold a hearing titled "Asylum Abuse: Is it Overwhelming our Borders?"
2. **Drug Development and Manufacturing.** On Thursday, December 12, 2013, at 1:30 p.m. in Room 2154 of the Rayburn House Office Building, the House Oversight and Government Reform Subcommittee on Energy Policy, Health Care and Entitlements will hold a hearing titled, "FDA Checkup: Drug Development and Manufacturing Challenges."

C. Pending Nominations

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: John P. Carlin, Assistant Attorney General, National Security Division; Leslie R. Caldwell, Assistant Attorney General, Criminal Division; and Debo Adegbile, Assistant Attorney General, Civil Rights Division.

On Thursday, December 12, 2013, the Senate Judiciary Committee is expected to vote on the following nomination: Peter J. Kadzik, to be Assistant Attorney General, Office of Legislative Affairs.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Elizabeth A. Wolford, WD NY; Cornelia T.L. Pillard, DC Cir. (considered by the Senate on November 12, 2013, but failed to obtain the 60 votes needed to end debate); Landya B. McCafferty, D NH; Brian Morris, D MT; Susan P. Watters, D MT; Jeffrey Alker Meyer, D CT; Robert L. Wilkins, DC Cir. (considered by the Senate on November 18, 2013, but failed to obtain the 60 votes needed to end debate); Brian J. Davis, MD FL; Timothy L. Brooks, WD AR; James Donato, ND CA; Beth Labson Freeman, ND CA; Pedro A. Delgado Hernandez; D PR; Carolyn B. McHugh, Tenth Cir.; Pamela L. Reeves, ED TN; Vince Girdhari Chhabria, ND CA; and James Maxwell Moody, Jr., ED AR.

On December 10, 2013, the Senate is expected to proceed to a roll call vote on the nomination of Patricia Ann Millett, DC Cir.

On Thursday, December 12, 2013, the Senate Judiciary Committee is expected to vote on the following nominations: John B. Owens, Ninth Circuit; Michelle T. Friedland, Ninth Cir.; Nancy L. Moritz, Tenth Cir.; Matthew Frederick Leitman, ED MI; Judith Ellen Levy, ED MI; Laurie J. Michaelson, ED MI; Linda Vivienne Parker, ED MI; Christopher Reid Cooper, District of Columbia; Gerald Austin McHugh, Jr., ED PA; M. Douglas Harpool, ED PA; and Edward G. Smith, ED MI.

3. **U.S. Attorneys.** The following U.S. Attorney nominations are pending in the Senate Judiciary Committee: Damon Paul Martinez, D NM; Kevin W. Techau, ND IA; and Andrew Mark Luger, D MN.
4. **U.S. Marshals.** The following U.S. Marshal nominations are pending on the Senate Executive Calendar: Peter C. Tobin, SD OH; and Amos Rojas, Jr., SD FL.

On Thursday, December 12, 2013, the Senate is expected to vote on the following nominations: Robert L. Hobbs, ED TX; and Gary L. Blankenship, SD TX.

D. Committee Markups & Business Meetings

1. **Senate Judiciary Committee.** On Thursday, December 12, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee is expected to mark up the following legislation:
 - S. 619, the “Justice Safety Valve Act of 2013,” a bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments.
 - S. 1410, the “Smarter Sentencing Act of 2013,” a bill to focus limited Federal resources on the most serious offenders.
 - S. 1675, the “Recidivism Reduction and Public Safety Act of 2013,” a bill to reduce recidivism and increase public safety.
 - S. 975, the “Court-Appointed Guardian Accountability and Senior Protection Act,” a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

E. Floor

1. The Senate is expected to take up the following legislation:
 - S. 1197, the “National Defense Authorization Act for Fiscal Year 2014,” a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year.
2. The House is expected to take up the following legislation under suspension of the rules:
 - H.R. 3627, the “Kilah Davenport Child Protection Act of 2013,” a bill to require the Attorney General to report on State law penalties for certain child abusers.
 - H.R. 1447, the “Death in Custody Reporting Act of 2013,” a bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.
 - H.R. 3521, the “Department of Veterans Affairs Major Medical Facility Lease Authorization Act of 2013,” a bill to authorize the Department of Veterans Affairs to carry out specified major medical facility leases.
 - H.R. 1402, the “VA Expiring Authorities Extension Act of 2013,” a bill to amend title 38, United States Code, to extend the authorization for appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc.
 - S. 1471, the “Alicia Dawn Koehl Respect for National Cemeteries Act,” a bill to authorize the Secretary of Veterans Affairs and the Secretary of the Army to reconsider decisions to inter or honor the memory of a person in a national cemetery.
 - H.R. 3212, the “Sean and David Goldman International Child Abduction Prevention and Return Act of 2013,” a bill to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries.

- H.R. 1992, the “Israel QME Enhancement Act,” a bill to amend the requirements relating to assessment of Israel’s qualitative military edge over military threats.
- H.R. 3509, the “Assessing Progress in Haiti Act of 2013,” a bill to direct the Secretary of State to submit to Congress a report on the status of post-earthquake recovery and development efforts in Haiti.
- H.R. 2019, the “Gabriella Miller Kids First Research Act of 2013,” a bill to eliminate taxpayer financing of presidential campaigns and party conventions and reprogram savings to provide for a 10-year pediatric research initiative through the Common Fund administered by the National Institutes of Health.

The House may also consider the following legislation:

- H.R. 2642, the “Federal Agriculture Reform Risk Management Act of 2013,” a bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018.
- H.Con.Res. 25, to establish the budget for the United States Government for fiscal year 2014 and setting forth appropriate budgetary levels for fiscal years 2015 through 2023.

F. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** The Senate and House Intelligence and Judiciary Committees are continuing work on possible changes to the Foreign Intelligence Surveillance Act. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward. As noted above, the Deputy Attorney General will testify at a further hearing on this subject before the Senate Judiciary Committee on December 11.
2. **National Defense Authorization Act for FY 2014.** Chairman Levin is still hoping to complete work on S. 1197, the National Defense Authorization Act for FY 2014, which includes a number of Administration-supported provisions that would modify current restrictions on transfers from Guantanamo. However, it is uncertain whether these provisions will survive if the Armed Services Committees decide to try to move a pared-down bill through both houses.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform ECPA and is attempting to move the legislation by unanimous consent. Senator Grassley has raised concerns about the bill, and is attempting to negotiate changes prior to passage. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of Commerce). We also are providing technical assistance to the House Judiciary Committee, which is developing its own legislation.
4. **Convention on the Rights of Persons with Disabilities.** The Senate Foreign Relations Committee (SFRC) held a second hearing on ratification of the Convention on November

21, 2013, where Secretary Kerry testified in support of the ratification of the Convention. The Administration is continuing to work with the Committee on “reservations, understandings and declarations” to the Convention that may be offered to win additional minority support for the Convention in SFRC and the Senate.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 16, 2013

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Peter J. Kadzik
Principal Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Weekly Report for the Week Ending December 20, 2013

The Senate is in session this week.

The following is a summary of our current activities:

A. Hearings at Which the Department is Testifying

1. **Mandatory Arbitration Agreements.** On Tuesday, December 17, 2013, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building, Leslie C. Overton, Deputy Assistant Attorney General, Antitrust Division, will testify before the Senate Judiciary Committee at a hearing titled, "The Federal Arbitration Act and Access to Justice: Will Recent Supreme Court Decisions Undermine the Rights of Consumers, Workers, and Small Businesses?"

B. Hearings of Interest to the Department

1. **Small Businesses and Patent Abuse.** On Tuesday, December 17, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will hold a hearing titled, "Protecting Small Businesses and Promoting Innovation by Limiting Patent Troll Abuse."
2. **Navy Yard Shooting.** On Tuesday, December 17, 2013, at 10:30 a.m. in Room 342 of the Dirksen Senate Office Building, the Senate Homeland Security and Governmental Affairs Committee will hold a hearing titled, "The Navy Yard Tragedy: Examining Physical Security for Federal Facilities."

C. Pending Nominations

1. **Department Nominees.** The following Department nominees are pending in the Senate Judiciary Committee: John P. Carlin, Assistant Attorney General, National Security Division; Leslie R. Caldwell, Assistant Attorney General, Criminal Division; Debo Adegbile, Assistant Attorney General, Civil Rights Division.

On Thursday, December 19, 2013, the Senate Judiciary Committee is expected to vote on the following nomination: Peter Joseph Kadzik, Assistant Attorney General, Office of Legislative Affairs.

2. **Judicial Nominees.** The following judicial nominations are pending on the Senate Executive Calendar: Jeffrey Alker Meyer, D CT; Robert L. Wilkins, DC Cir. (considered by the Senate on November 18, 2013, but failed to obtain the 60 votes needed to end debate); Brian J. Davis, MD FL; Timothy L. Brooks, WD AR; James Donato, ND CA; Beth Labson Freeman, ND CA; Pedro A. Delgado Hernandez; D PR; Carolyn B. McHugh, Tenth Cir.; Pamela L. Reeves, ED TN; Vince Girdhari Chhabria, ND CA; and James Maxwell Moody, Jr., ED AR.

On Wednesday, December 18, 2013, the Senate Judiciary Committee will hold a hearing on the following nominations: Daniel D. Crabtree, D KS; Cynthia Ann Bashant, SD CA; Jon David Levy, D ME; Theodore David Chuang, D MD; and George Jarrod Hazel, D MD.

On Thursday, December 19, 2013, the Senate Judiciary Committee will hold a business meeting to consider the following nominations: John B. Owens, Ninth Circuit; Michelle T. Friedland, Ninth Circuit; Nancy L. Moritz, Tenth Circuit; David Jeremiah Barron, First Circuit; Matthew Frederick Leitman, ED MI; Judith Ellen Levy, ED MI; Laurie J. Michelson, ED MI; Linda Vivienne Parker, ED MI; Christopher Reid Cooper, District of Columbia; Gerald Austin McHugh, Jr., ED PA; M. Douglas Harpool, WD MO; Edward G. Smith, ED PA; Sheryl H. Lipman, WD TN; Stanley Allen Bastian, ED WA; and Manish S. Shah, ND IL.

3. **U.S. Attorneys.** The following U.S. Attorney nominations are pending in the Senate Judiciary Committee: Damon Paul Martinez, D NM; Kevin W. Techau, ND IA; and Andrew Mark Luger, D MN.
4. **U.S. Marshals.** The following U.S. Marshal nominations are pending in the Senate Executive Calendar: Peter C. Tobin, SD OH; and Amos Rojas, Jr., SD FL.

On Thursday, December 19, 2013, the Senate Judiciary Committee will hold a business meeting to consider the following nominations: Robert L. Hobbs, ED TX; and Gary L. Blankinship, SD TX.

D. Briefings

1. **Swiss Bank Programs.** On Tuesday, December 17, 2013, at 11:30 a.m. in Room 199 of the Russell Senate Office building, Eileen M. Shatz and Kathleen E. Lyon of the Department's Tax Division will provide a briefing for the Senate Permanent Subcommittee on Investigations staff on efforts to combat offshore tax evasion and the Department's program concerning Swiss banks.

E. Committee Markups and Business Meetings

1. **Senate Judiciary Committee.** On Thursday, December, 19, 2013, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building, the Senate Judiciary Committee will mark up the following legislation:
 - S. 619, the "Justice Safety Valve Act of 2013," a bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments.
 - S. 1410, the "Smarter Sentencing Act of 2013," a bill to focus on limited Federal resources on the most serious offenders.
 - S. 1675, the "Recidivism Reduction and Public Safety Act of 2013," a bill to reduce recidivism and increase public safety.
 - S. 975, the "Court-Appointed Guardian Accountability and Senior Protection Act," a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

F. Looking Ahead

1. **Foreign Intelligence Surveillance Act.** The Senate and House Intelligence and Judiciary Committees are continuing work on possible changes to the Foreign Intelligence Surveillance Act. The Department has participated in numerous hearings and briefings and is continuing to provide technical assistance in coordination with our interagency partners as those efforts move forward.
2. **National Defense Authorization Act for FY 2014.** Last week, the House passed a version of the 2014 NDAA that had been negotiated by the House and Senate Armed Services Committees. Although some Republican senators have threatened to block action on the bill, it is expected to pass the Senate this week. The bill includes some modifications to the current restrictions on transfers from Guantanamo.
3. **Electronic Communications Privacy Act (ECPA) Reform.** The Senate Judiciary Committee has reported out legislation to reform ECPA and is attempting to move the legislation by unanimous consent, possibly by December 20, 2013. Senator Grassley and others have raised concerns about the bill, and are attempting to negotiate changes prior to passage. At this juncture, the prospects for passage by unanimous consent are unclear. We are continuing to provide technical assistance to the committee on various aspects of the bill (in close consultation with the White House and the Department of

Commerce). We also are providing technical assistance to the House Judiciary Committee, which is developing its own legislation.

4. **Convention on the Rights of Persons with Disabilities.** The Senate Foreign Relations Committee (SFRC) held a second hearing on ratification of the Convention on November 21, 2013, where Secretary Kerry testified in support of the ratification of the Convention. The Administration is continuing to work with the Committee on “reservations, understandings and declarations” to the Convention that may be offered to win additional minority support for the Convention in SFRC and the Senate.
5. **Budget.** On Thursday, December 12, 2013, the House overwhelming passed a budget conference agreement (332-94), which would fund the U.S. government for two years, and reduce sequestration cuts by \$40 billion (the Department’s share of resulting increased funding amounts has not yet been determined). The bill is now being considered by the Senate, and is expected to garner at least the 60 votes required to proceed to final passage of the legislation later this week.