

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
February 25, 2010

Opening Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
Executive Business Meeting  
February 25, 2010

This morning we are meeting while the President hosts a health care summit that is both bipartisan and bicameral. I hope we can also make progress here through bipartisan cooperation.

Senator Sessions has again asked that we postpone our debate and vote on the nomination of Dawn Johnsen in the absence of Senator Grassley and Senator Kyl who are attending the health care summit.

Senator Durbin is also attending the summit. I hope that everyone will be prepared to turn to the Fair Sentencing Act next week when he is again with us.

There are nominations on the agenda on which we should be able to make progress. Two U.S. attorney nominees, for New York and Georgia, can be reported when we have a quorum. We have the six judicial nominees from the February 11 hearing who are ready for action by the Committee.

It is my hope that we will be able to act without further delay on at least two of the legislative items that have been before us for many weeks: the Law Enforcement Officers Safety Act Improvements Act and the Witness Security and Protection Grant Program.

The Law Enforcement Officers Safety Act Improvements, which I reintroduced this year, is cosponsored by Senator Sessions and Senator Kyl. It is intended to address several challenges that qualified state, Federal, and local law enforcement officers have experienced in obtaining certification under LEOSA as enacted in 2004. The bill is largely the same as that favorably reported twice by the Senate Judiciary Committee in the last Congress. It has the support of the Fraternal Order of Police, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association.

The Witness Security and Protection Grant Program was authored by Mr. Cummings of Maryland in the House. Senator Schumer has circulated a substitute which I hope that we can adopt and then report the bill.

Next week we will complete action on the Dawn Johnsen nomination and turn to the legislation to reform drug sentencing to achieve more fairness. The enormous disparities between sentences

based on the form of the illegal drug, whether powder cocaine or "crack" cocaine, has led to disparate sentencing and a strong sense of unfairness in urban and poor communities. Current law treats "crack" offenders one hundred times more harshly than other cocaine offenders without any legitimate basis for the difference.

These drugs are illegal, and after sentencing reform will remain illegal. Sentences will still be harsh, but they should not be disparate in a way that affects African-American and urban communities more harshly than those using drugs in the suburbs and corporate offices. That in turn reduces trust in law enforcement and cooperation with police, which makes us less safe. The U.S. Sentencing Commission has studied the issue and made proposals for greater fairness. The Justice Department came to our hearing last year and endorsed a fair one-to-one reform. Many of us have worked hard on this for some time. Senators Sessions, Hatch and Graham have often talked about the need for reform and made proposals. The Ranking Republican has spoken about wanting to make progress on this issue. This will be our chance to come together and make the needed reforms.

Before I turn to Senator Sessions, I want to thank him for working with me on what has been a top priority of this Committee - patent reform legislation. Today we can report that we have reached a tentative agreement in principle that preserves the core of the compromise struck in Committee last year with the help of Senators Feinstein, Specter, Cornyn, Klobuchar and others.

I want to particularly thank Senator Hatch, who has been a longtime partner of mine on intellectual property issues. We have consulted with the Patent and Trademark Office, at the suggestion of Senator Kyl, and with his help and that of Director Kappos, we have the principles of an agreement that will move this legislation closer to passage.

Reforms to our patent system will protect inventors and promote innovation. They will stimulate the economy and create jobs without spending American tax dollars.

I expect that we will be able to release details as they are finalized in the coming days after consultation with the House. I look forward to working closely with all members of this Committee who have probably spent more time on patent law than we would like. I appreciate the seriousness with which they have approached this issue.

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