

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
United States Senate  
December 1, 2011

This morning we should complete consideration of the matters held over from our last meeting before Thanksgiving. We should be able to vote to approve the bill Senator Whitehouse has introduced to correct a gap in the authority of the U.S. Marshal Service. This is to ensure that they can be effective in missing children cases without having to wait and increase the risks of tragedy.

Senator Sessions had asked that I also add S.671 to our agenda, and I did. I emphasize that I do not support the additional administrative subpoena power provided by that bill. I think such power should be checked by judicial authority and not exercised unilaterally. I think the expansion of government power without check is unnecessary. But even though I do not think that aspect of the bill wise, I have included it on our agenda at Senator Sessions' request. It was held over by Republican request two weeks ago.

We should start by making progress on the nominations held over two weeks ago at Republican request. The three judicial nominees from our November 2 hearing are each to fill a judicial emergency vacancy. The Ninth Circuit needs Judge Nguyen and I know that Senator Cornyn would like to see the two Texas nominees confirmed to Federal trial courts in Texas. We also have available for Committee action today the President's second nominee to serve as the head of the Tax Division at the Justice Department.

I have also added to our agenda two bipartisan items to help consumers and our economy. The Counterfeit Drug Penalty Enhancement Act is something I have worked on with Senator Grassley and with Senators Bennet and Blumenthal. The counterfeit drug trade is a multi-billion dollar criminal industry. Pfizer testified last month before the House Judiciary Committee that its efforts alone over the last few years have prevented more than 100 million doses of counterfeit versions of its medication. Our bipartisan, bicameral legislation will increase penalties for trafficking in counterfeit pharmaceuticals.

I have also included Senator Kohl's Economic Espionage Penalty Enhancement Act. This is also a bipartisan measure intended to help stem a serious problem holding back our economic recovery.

We can act on all of these matters today.

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