

**Prepared Statement by Senator Chuck Grassley of Iowa  
Chairman, Senate Judiciary Committee  
Executive Business Meeting  
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Good morning. On today's agenda we have five nominees who are ripe for a vote as well as two bills. The two bills, S. 247, the Expatriate Terrorist Act and S. 356, the Electronic Communications Privacy Act, will be held over.

The five nominees on the agenda are:

- Ron Russell, Utah
- Inga Bernstein, Massachusetts
- Stephanie Gallagher, Maryland
- Suzanne Mitchell & Scott Palk, Western District of Oklahoma

First, I'd like to remind everyone that it's National Police Week. The Senate on Tuesday passed my resolution commemorating National Police Week and honoring law enforcement officers around the country who lost their lives in the line of duty. I thank the ranking member and the other members of this Committee who cosponsored it.

This Committee has been hard at work on important issues for the law enforcement community throughout this Congress. It seems the least we can do for those who sacrifice so much to help keep us safe. For example, in March 2015, we passed the *Rafael Ramos and Wenjian Liu National Blue Alert Act*. This legislation created a national, voluntary network to share information about imminent and credible threats to law enforcement officers. The President signed it into law a few months later.

And just a few weeks ago, this Committee held an oversight hearing examining the Justice Department's handling of Public Safety Officers' Benefits claims. Witnesses at the hearing testified that families of fallen officers were forced to wait years in limbo status because bureaucrats in the Department couldn't decide their claims on time. These systematic delays have persisted since 2003, despite multiple OIG and GAO audits and the Attorney General recommending corrective action.

In 2007, Sen. Leahy even chaired a Committee hearing to examine this problem. During the first two months following that 2007 hearing, the Justice Department doubled its rate of processing these claims. However, for claims handled during the ensuing 5 years, the Inspector General again found significant delays and lack of documentation.

At last month's Committee hearing, an Iowan testified that he had been waiting for over 3.5 years without a decision. Two days after the hearing, he was informed that his claim had been approved. This record tells me that the Justice Department can process the other 693 pending death benefit claims in a timely fashion, if properly motivated. So, yesterday, Senator Gillibrand and I introduced a bill that would permanently increase the level of transparency surrounding this program. Because public scrutiny seems to be the only thing that has motivated the Department over the past 13 years, to get the job done on time.

The bill's not on the agenda for today, but I wanted to give everyone a heads-up about it. It's called the Public Safety Officers' Benefits Improvement Act of 2016, and it's narrowly tailored to address specific problems that have been identified over the past 13 years. I look forward to working with you all to get that bill done, as our way of saying thank you to the men and women who made the ultimate sacrifice in protecting our communities.

Last week I was asked about the application of the Leahy-Thurmond rule and I said I'd look into it and discuss it a bit this week in Committee. As we all know, over the years, there's been a lot of discussion and frankly, disagreement about the Leahy-Thurmond Rule, what it means, and when it traditionally goes into effect.

During the last four presidential election years, the last confirmation vote of a circuit court nominee occurred before the summer recess. And the last confirmation vote of a district court nominee occurred in the fall of that year.

And I'd note that while there have been nominations hearings held as late as September, my good friend then-Chairman Leahy made clear a number of times that those hearings were "an exception under the Thurmond Rule" and "an accommodation" to other Senators on the Committee.

For example, at the September 9th, 2008 hearing he said, "This is extremely late in a presidential election year for such a hearing and serves as an exception under the Thurmond Rule." And at the September 23rd, 2008 hearing he said, "I am holding this exceptional hearing late in a presidential election year as an accommodation to Senator Specter."

When the Committee reported those nominations to the full Senate, he repeated that the "hearing was an exception to the Thurmond Rule," and noted "we expedited our proceedings earlier this week and again today as a courtesy to Senator Specter."

Now, I know we had a lot disagreement about that at the time. Some on our side, including me, argued that we shouldn't impose the practice. But the fact of the matter is, we did impose it and it's been the general rule. Going back a little further, in 2004, during George W. Bush's presidency, there was one hearing in September that included a judicial nominee.

I'm not going to make any guarantees on the number of nominees who will be confirmed or how many nominees will get hearings for the rest of this year. But going forward, like I said last week, I suspect there will be more judicial nominees confirmed by the full Senate. In fact, we had a vote on a district court nominee earlier this week, even though that nominee was opposed by a majority on our side.

Before I move on, I'd note that we've been hearing over and over that since a nominee was voted out on a voice vote that there's no opposition. But, just because a nominee moves out of Committee on a voice vote, doesn't mean that Senators don't have concerns regarding the nominee, and may actually vote against the nominee on the floor. I think the confirmation vote we had earlier this week makes that clear.

In this Committee, we're continuing to process judicial nominees and hold hearings. In fact, including yesterday's nominations hearing, we've now held hearings for the same number of judicial nominees as Chairman Leahy had at this point in 2007 and 2008.

At the end of the day, because there is not a hard and fast rule, the best way I know how to proceed is to look to what has been done in the past, and roughly follow the examples of my predecessors. Based upon prior practice and past statements, the Leahy-Thurmond rule will kick in when the Senate recesses in mid-July. But remember, then-Chairman Leahy has made exceptions, as he called them, to the rule in order to accommodate members of this Committee, so, there can always be limited exceptions.

Because it's Police Week, I'll also take this opportunity to mention that the full Senate yesterday approved the *POLICE Act*, a bill reported by this Committee only last week. I congratulate Senator Cornyn, the sponsor of this bill, for this accomplishment, and note that it is yet another bipartisan measure successfully reported by this Committee and passed by the Senate this year.