

**Prepared Statement by Senator Chuck Grassley of Iowa  
Chairman, Senate Judiciary Committee  
Executive Business Meeting  
April 12, 2018**

Good morning. Today, we have a number of nominees and one bill on the agenda. Three judicial nominees are on the agenda for the first time. They are:

- Michael Scudder, 7th Circuit
- Amy St. Eve, 7th Circuit
- C.J. Williams, Northern District of Iowa

The minority has requested they be held over, so these three nominees are held over this week.

Jody Hunt, who is nominated to be the Assistant Attorney General for the Civil Division of the Department of Justice, is on the agenda for the first time and the minority has requested that his nomination be held over, so his nomination is held over.

The first nominee we'll consider today is John Nalbandian, nominated to the Sixth Circuit Court of Appeals. If confirmed, Nalbandian would be the second Asian American to serve on the Sixth Circuit. Nalbandian is a well-respected litigator who specializes in appellate practice. He's received broad, bipartisan support from the Kentucky legal community. Nalbandian received a unanimously Well-Qualified rating from the ABA.

We will also vote on 3 district court nominees, 2 U.S. Attorney nominees, and 3 U.S. Marshal nominees.

On the agenda today we have S. 994, the Protecting Religiously Affiliated Institutions Act of 2017, a bipartisan bill introduced by Senators Hatch and Feinstein. This bill amends the Church Arson Prevention Act to clarify that the act includes threats to religious institutions, whether they be synagogues, mosques, churches, or religious community centers. As it's on the agenda for the first time today, this bill will be held over.

I want to take a moment to discuss the special counsel bill that was introduced yesterday. In August of last year, two special counsel bills were introduced by members of this committee on the same day. Each bill afforded some measure of judicial review if the special counsel was fired, but differed in whether that review would take place before a firing could take place, or after.

This Committee held a hearing on those bills in September 2017. During that hearing, prominent legal scholars expressed conflicting views about the constitutionality of those bills. It's clear that the constitutionality of these bills is something that the courts would have to resolve. After the hearing, I invited the proponents of the bill to work out a compromise. Yesterday, Senators Graham, Coons, Tillis, and Booker introduced their compromise proposal.

I've had a chance to review it. I think it's an improved bill. One thing that has improved the bill is the addition of a severability clause. With the addition of this clause, if any provision of the bill is held to be invalid or unconstitutional, the remainder of the bill would still have the force of law.

I still have concerns about the bill's constitutionality, but I believe the bill merits the consideration of the full committee. For that reason, I proposed to Senator Feinstein that we put the bill on today's agenda and mark the bill up during next week's executive business meeting. Senator Feinstein said that she wouldn't approve the bill being placed on today's agenda. Then she issued a press release stating that she would not agree to put this bill on the agenda because of concerns on the part of the Democrats about a phantom amendment that would undermine the investigation of the special counsel. This concern is completely unfounded.

I expect that the Committee will consider the special counsel bill carefully and, as is the practice for every bill we consider, members of the committee will offer amendments that they think will improve the bill. I've told Senator Feinstein that I plan on offering an amendment to the special counsel bill. This amendment will require the Attorney General to give a detailed report to Congress justifying significant decisions involving the special counsel, including the firing of the special counsel.

As I told Senator Feinstein yesterday, this amendment would not remove any substantive provision of the special counsel bill introduced yesterday, but would strengthen it by requiring the administration to provide additional reports to Congress. In addition, if other provisions of the special counsel bill were held to be unconstitutional, this provision might retain the force of law and alone serve as a useful check against firing a special counsel without cause.

Senator Feinstein and other Democrats are apparently concerned that my proposal for increased reporting to Congress, which would not otherwise change the special counsel bill that they say they support, would undermine the Mueller investigation. I'm at a loss to see how a call for the administration to be more transparent about decisions involving the special counsel—including any decision to fire the special counsel or curtail his investigation—would undermine the Mueller investigation.

In any event, it's unreasonable to delay consideration of this bill just because any member of our committee may be preparing an amendment. This delay is uncalled for and unnecessary. The committee has other business to take up, and this delay will slow down our ability to take up other issues.

I'll now turn to Senator Feinstein for any remarks.