

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
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Today we have three bills on the agenda. The first, the Expatriate Terrorist Act, will be held over. The second, S. 356, the Electronic Communications Privacy Act Amendments Act, is ripe for our consideration. And the third is the Public Safety Officers' Benefits Improvement Act, S. 2944, which is also ripe for our consideration.

I'd like to say just a few words about the Public Safety Officers' Benefits Improvement Act. The Justice Department has a goal of processing these claims within 1 year of filing. However, according to the most recent data that was provided since we last convened, the Justice Department is failing to meet its own 1-year deadline in 58% of the 738 pending death benefit claims. That's 431 families who have been waiting for more than a year. That rate is unacceptable for a program designed to support families of fallen officers.

So, in May, Senator Gillibrand and I introduced S. 2944 in order to 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. This bill would require the Justice Department to post on its website, weekly status updates for all pending claims. This way, the public can evaluate how well the Department is performing under its goal of processing claims within 1-year of filing.

The Justice Department is already posting weekly statistics with respect to the September 11th Victim Compensation Fund, which is a similar program. So, the Department should be able to do the same with respect to pending Public Safety Officers' Benefits claims, by posting weekly statistics.

In addition, our bill would require the Justice Department to report to Congress other aggregate statistics regarding these claims, twice a year. And, the bill would make it easier for the Department to process these claims in other ways. For example, by allowing the Department to rely on other federal regulatory standards, and to give substantial weight to findings of fact of state, local, and other federal agencies.

I want to thank Senator Gillibrand for working with me to develop this common-sense legislation. I also want to thank our cosponsors, Senators Hatch, Schumer, Coons, and Blunt, for standing with us in support of these officers and their families. We are also indebted to Senators Flake and Leahy for providing helpful feedback concerning the bill's reporting requirements. Both sets of changes have been incorporated into a manager's amendment, which I will be offering today.

In short, this has been a truly bipartisan effort based on what we learned from our hearing in April and multiple independent audits and oversight letters before then. So, I urge my colleagues today to help us get this bill done, as our way of saying thank you to these men and women who made the ultimate sacrifice in protecting our communities.

Finally, I'd like to address ECPA reform. As I've acknowledged many times, there's consensus that ECPA needs to be updated. I fully support the "warrant-for-content" standard that this bill enacts. Privacy is important to all Americans, who are using technology in more ways than ever to communicate. We need to ensure that privacy is protected.

At the same time, a number of Senators have circulated amendments that they feel very strongly are important from a law enforcement or national security perspective, and in their view are also consistent with key reform principles. I certainly support the right of committee members to offer these amendments.

I was told yesterday that there's an impasse in negotiations about them. As a result, Senators Leahy and Lee have requested that the bill be removed from the agenda. My own inclination is to hold over the bill for another week and see if these things can be worked out. I'm willing to do that. But if the bill sponsors insist, we can also pull the bill entirely. Either way, I hope discussions continue to try to move forward with it. It seems to me there are large areas of consensus, and it should be possible to reach a compromise that a large majority of the committee can support. But in the meantime, I turn to Senators Leahy and Lee to make it clear what they'd like to do.

We also have several nominees to be judges on this week's agenda:

- Don Schott, Seventh Circuit
- Stephanie Finley, Western District of Louisiana
- Claude Kelly, Eastern District of Louisiana
- Winfield Ong, Southern District of Indiana

They are on the agenda for the first time today and there's been a request to hold over the nominations