

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
September 28, 2017**

Good morning. Today, we have a number of nominees on the agenda as well as one bill. I know Members have many other commitments this morning, so I'll keep my remarks brief and would ask other Members to consider doing so as well so we can get through the entire agenda.

We have several nominees on the agenda for the first time today and the minority has requested that they be held over, so the nominations of the following are held over:

- Amy Barrett, 7th Circuit
- Joan Larsen, 6th Circuit
- Eric Dreiband, Assistant Attorney General, Civil Rights Division
- William Campbell, Middle District of Tennessee and
- Thomas Parker, Western District of Tennessee

We also have 5 US Attorney nominees on today's agenda who we'll be able to vote on.

Brian Benczkowski, nominated to serve as the Assistant Attorney General for the Criminal Division, is ready for a vote today. And I'll say a few words on his nomination.

Mr. Benczkowski is well known by many of us on the Committee, as he served as the Republican staff director from 2009 to 2010. He has also previously served in numerous leadership positions at the Department of Justice.

We received his nomination more than 3 months ago, on June 6th. We held his nomination hearing more than 50 days ago, on July 25th. During his hearing, Mr. Benczkowski unequivocally testified that he will enforce our nation's criminal laws faithfully, fairly, and impartially.

Senator Durbin and others have raised concerns about Mr. Benczkowski's legal representation of Alfa Bank while he was working at the law firm of Kirkland and Ellis, a matter of which the Senate learned when reviewing his FBI background investigation.

Normally the Committee doesn't publicly discuss any matters contained in the background investigation. But because this matter raised some concerns with many Members, Mr. Benczkowski voluntarily waived his privacy rights in his FBI background investigation related to Alfa Bank, so we could freely and publicly question him on this matter. At his hearing, the Committee members extensively questioned him about his representation of Alfa Bank. He answered all our questions. He was not evasive. His testimony was public. Mr. Benczkowski also subsequently responded in writing to several rounds of written questions submitted to him.

Following this hearing, I helped Senator Durbin arrange an intelligence briefing with the Office of the Director of National Intelligence related to Alfa Bank. I also helped arrange for the Deputy

Attorney General to call Senator Durbin to explain the Department's long-standing tradition that it does not confirm nor deny investigations, particularly when it comes to a nominee's client. And I understand the Department of Justice's reasons for this position. Former FBI Director James Comey recently came under fire for doing this very thing. And I don't want to set the precedent that we demand to know whether a nominee's former law client is under investigation.

When clients are under investigation, of course they need lawyers to represent them. Are we now going to have a political litmus test for nominees that's based upon the clients they stepped forward to represent in private practice?

Finally, during all this, I've seen no credible allegation – let alone, any evidence – that Mr. Benczkowski did anything wrong or unethical related to his limited representation of Alfa Bank or otherwise. He's promised to recuse himself from handling any matters involving Alfa Bank that may come under his jurisdiction in the Department and to consult with ethics officials regarding any other times he may need to recuse.

I've tried to accommodate the minority's requests related to Mr. Benczkowski's nomination and it's time to vote on his nomination today.

Now, we'll turn to the bill, the Sexual Assault Forensic Evidence Reporting, or SAFER, Act. S. 1766 was on our agenda for the first time last week, and it's ripe for our consideration today. Senator Cornyn sponsored this bill.

As introduced, it would do three things. First, it would extend for five more years a 2013 program that makes a percentage of federal DNA Backlog Program funding available to jurisdictions across the country to inventory and track their untested sexual assault evidence. Second, it would repeal a sunset clause, originally championed by former Senator Coburn, which applies to this program. Third, it updates existing law to clarify that the Attorney General shall inform all nurses, not just forensic nurses, about the availability of federal resources to train and employ forensic nurses.

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