

**Prepared Statement by Senator Chuck Grassley of Iowa  
Chairman, Senate Judiciary Committee  
Executive Business Meeting  
November 2, 2017**

Good morning. Today, we have a number of nominees on the agenda, all of whom are on the agenda for the first time and the minority has requested that they be held over, so they'll be held over. They are:

- Greg Katsas, DC Circuit
- Jeffrey Beaverstock, Southern District of Alabama
- Emily Marks, Middle District of Alabama
- Brett Talley, Middle District of Alabama
- Holly Teeter, District of Kansas

There are also 2 US Attorney nominees on today's agenda we'll vote on.

I want to acknowledge that I received a letter from the Ranking Member asking that I not put nominees on hearing or markup agendas who have not yet received a rating from the American Bar Association. Two nominees on today's agenda have not yet received ABA ratings, so I wanted to address this request.

Both nominees have had their materials in to the Committee for many weeks, one came in August 28<sup>th</sup> and the other came in September 18<sup>th</sup>. It's now November 2<sup>nd</sup>. According to what the ABA themselves have told us, this is enough time to provide a rating.

Furthermore, I hear a lot from the other side about outside groups influencing the nominations process. I think letting the ABA—an outside group—influence when the Senate Judiciary Committee considers nominees lets outside groups hold nominees hostage. We're not going to allow any outside group to have the power to determine our schedule.

Finally, as I've said on the Floor this week, it doesn't appear to me that ABA ratings actually matter in practice to many in to the minority. They regularly and continually vote against "Well Qualified" and "Qualified" nominees. Sometimes they even argue that a nominee who received a "Well Qualified" rating doesn't have enough experience and use that as a reason to vote against her.

So, I received and considered the minority's request, but I don't believe it's good practice to allow this outside group to dictate the Committee's schedule, so that's why I put the nominees on today's agenda without ABA ratings. We'll have a lot more to say about the ABA and its process, or lack thereof, at our next nominations hearing where the ABA will be represented.

Turning to the legislation on today's agenda, we're ready to consider S. 807, the Criminal Antitrust Anti-Retaliation Act of 2017. As I said last week, this is an important bill, which Senator Leahy and I have worked on for several years.

Too often, whistleblowers who expose waste, fraud, and abuse are treated like second-class citizens. Many times they risk their careers simply by telling the truth. It happens in both the federal government and in private business. This legislation will protect criminal antitrust whistleblowers from workplace retaliation.

In 2004, Congress passed the Antitrust Criminal Penalty Enhancement and Reform Act. The goal of that bill was to encourage self-reporting of criminal antitrust activity. However, the bill didn't provide any protections for innocent third-parties who blow the whistle on criminal antitrust activity.

In 2011, the Government Accountability Office issued a report recommending Congress consider adding a civil remedy for antitrust whistleblowers who have been subjected to retaliation. And that's what this bill does.

Since we're willing to incentivize folks to report their own bad behavior, then we ought to protect whistleblowers who report on the bad behavior of others. In this case, that bad behavior harms businesses, consumers, and our economy.

Over the years we've worked with members, stakeholders, and the Department of Justice to iron out concerns and improve the bill. This is a narrowly focused bill that will strengthen the enforcement of our criminal antitrust laws. Let me remind my colleagues that the Senate unanimously passed similar legislation in each of the last two Congresses. Let's do so again and get this bill across the goal line and onto the President's desk for his signature. I appreciate Senator Leahy's work on this legislation, and urge my colleagues to support it.

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