

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
Thursday, December 10, 2015**

Good morning everyone. Today we have a number of bills and nominees on the agenda. We'll consider the bills that are ripe for consideration first and then turn to nominees. We'll hold over H.R. 1428, the Judicial Redress Act of 2015, S. 483, the Ensuring Patient Access and Effective Drug Enforcement Act of 2015, and S. 1890, the Defend Trade Secrets Act of 2015.

The two bills that are ripe for consideration would help strengthen our national security. The awful attacks in Paris and California are reminders of the importance of ensuring that the legal tools used to help protect us from terrorism are fully up to date. S. 247 is the Expatriate Terrorist Act. The bill will close a significant loophole in existing law and give the government another valuable tool in our ongoing war against ISIS and other radical Islamic terrorists. That bill will be held over at Senator Cruz's request.

The other bill that is ripe for consideration is S. 1318, the Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2015. I'm pleased to partner with Senator Whitehouse on this bill. The bill makes changes to the criminal code to implement four international agreements that update our counterterrorism and counter-proliferation laws to reflect the danger of nuclear terrorism. These agreements were negotiated and signed by the Bush administration in the years following the 9/11 attacks. The Senate has already given its advice and consent to them.

A version of this bill that was authored in the House became law a few months ago. But three important provisions that were requested by both the Bush and Obama administrations were omitted from what passed Congress. The manager's substitute that the committee will consider today restores these provisions.

First, the substitute allows the Department of Justice to go to court and obtain a wiretap if there is probable cause that a defendant is committing one of the new offenses. These are some of the most serious crimes we have, including the crime of nuclear terrorism. Many lesser offenses allow for wiretaps, so it makes good sense for these crimes to be eligible for wiretaps as well.

Second, the substitute allows the newly-created offenses to be predicates for the separate crime of material support for terrorism. Acts of terrorism often involve multiple people and complex planning. Clearly, the public reporting suggests that this is what occurred in Paris. So the substitute allows for the prosecution of all those involved with a terrorist attack. The provision helps to ensure that all who help plan, finance and aid terrorist attacks can be brought to justice.

Third, the substitute would permit the Department of Justice to seek the death penalty, in appropriate cases, for terrorists who execute a nuclear attack that kills Americans. Now, I don't think this should be terribly controversial. Similar terrorism crimes already allow prosecutors to

seek the death penalty. It would make no sense for these new offenses not to carry at least the possibility of that punishment.

Nuclear terrorism isn't just theoretical; it's a very real threat. Some of the headlines we see every morning about ISIS make this clear. Let me read just two of them from the last few months. And I'd ask that, without objection, these articles be made a part of the record. An article appeared on October 7, from NBC News and the Associated Press: "Smugglers Tried to Sell Nuclear Material to ISIS." There was also a story in the International Business Times, dated November 17, entitled "ISIS Planning Major Cyberattacks Against Airlines, Hospitals, and Nuclear Power Plants." And the Iran nuclear deal has only fueled concerns about the conduct of world's leading state sponsor of terrorism in the years ahead.

These three provisions strengthen our country's national security. They are common-sense fixes supported by both Presidents Bush and Obama. I urge my colleagues to support the substitute offered by Senator Whitehouse and me.

I'll now recognize Senator Leahy for any statement he wishes to give.