

**Statement Of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee  
On Consideration of the S.1318,  
Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act  
December 10, 2015**

Given recent events, Americans are concerned about protecting the country against terrorism. I am glad that the Committee was able to hear from the FBI Director yesterday, and I hope that Congress will ensure that law enforcement has the tools and resources necessary to fight terrorism. Unfortunately, the bill that we will be marking up today is not the answer.

I agree with Chairman Grassley that we must protect against nuclear terrorism. That is why Senator Lee and I worked in a bicameral way to pass legislation earlier this year that does just that. As the Chairman acknowledges, the vast majority of his bill was already enacted into law as part of the USA FREEDOM Act in June. This was language that we negotiated with the leaders of the House Judiciary and Intelligence Committees, to ensure that it could pass in the House. And the provisions that Senator Grassley is now trying to resurrect with his bill – particularly the death penalty provision – were deliberately excluded because the House told us that they could not pass it.

So this appears to be an attempt to rehash a death penalty debate that is unnecessary. I have made clear that I would not oppose the other provisions in the bill related to material support and wiretap predicates. But I cannot and will not support expanding the scope of the Federal death penalty.

I will not endorse the application of such an irreversible punishment when we still have an imperfect criminal justice system that is so susceptible to racial biases, procedural flaws, and simple human error. In fact, Senator Grassley and I are working together right now on oversight of the FBI's flawed hair and fiber analysis – which may have resulted in the conviction of innocent people sentenced to death. We know with certainty that our system makes mistakes.

Unless the death penalty provisions are removed, the Chairman knows I will oppose this bill.

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