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WASHINGTON UPDATE

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Law Enforcement Community Mobilizes to Overturn DOJ's Suspension of the Equitable Sharing Program

Law enforcement associations, including the International Association of Chiefs of Police and the National Association of Police Organizations, have been highly critical of the Justice Department's decision late last month to "defer," – basically suspend – payments under the Equitable Sharing Program to state, local and tribal law enforcement agencies. According to Attorney General Loretta Lynch, DOJ was compelled to suspend the program because of congressional cuts of \$1.2 billion to the federal asset forfeiture program in the Bipartisan Budget Act of 2015 (PL 114-74) and the Consolidated Appropriations Act for Fiscal Year 2016 (PL 114-113).

Six national law enforcement organizations, including the two listed above, sent a letter to the Obama Administration warning that the suspension of the Equitable Sharing Program could harm public safety and compromise the ability of state, local and tribal law enforcement personnel to participate in future joint federal task forces. Suspension of payments under the Equitable Sharing Program will no doubt adversely affect the budgets of countless of police and sheriff departments across the country.

The Equitable Sharing Program has been highly popular with state and local police entities. The program allows local law enforcement agencies the option of prosecuting asset forfeitures cases under federal instead of state law. In general, federal forfeiture policies are more permissive than many state policies, allowing police to keep up to 80 percent of assets they seize, even in cases when people whose property has been confiscated are not charged with a crime. Over the past few years, Congress has grown increasingly skeptical of the program in light of alleged abuses by certain police departments who have been criticized in the press for "policing for profit." Congress is considering overhauling the program.

Speaker Ryan Plans Veto Override of Reconciliation Bill

Speaker Paul Ryan (R-WI) will hold a vote to override President Obama's veto of H.R. 3762, the Restoring Americans' Healthcare Freedom Reconciliation Act, during the last week of January. The bill guts Obamacare by eliminating the individual and employer mandates, the Cadillac tax and medical device tax, and defunds Planned Parenthood for a year.

Under reconciliation rules, the bill only required a simple majority vote to pass the Senate – instead of the usual supermajority threshold of 60 votes. The Senate adopted the measure by a

vote of 52 to 47 last month. The House passed the bill by a vote of 240 to 181 on January 6 and, two days later, President Obama vetoed the legislation, sending it back to the House. A veto override is scheduled in the House for January 26, marking the 63rd time Congress will have voted to repeal all or part of Obamacare since its enactment in 2010. The override vote, while doomed to fail, neatly fits into Speaker Ryan's political messaging to the Republican electoral base, energizing a key GOP constituency leading up to the presidential elections in November.

House GOP Members at Republican Retreat Press Senate Colleagues Over Filibuster Rule

House/Senate GOP members are comfortably ensconced at a retreat in Baltimore planning their congressional political strategy for the year. One of the hot-button issues House members are pressuring their colleagues in the upper chamber to consider is their desire to reform – essentially eliminate – the filibuster rule. Republican House members in general, and tea party members in particular, have expressed their frustration with the centuries old Senate procedure that allows the will of the majority to be thwarted by the will of the minority. House GOP members accuse the Senate of serving much like a graveyard for GOP House-passed initiatives, such as the Republican effort to defund Planned Parenthood.

Unlike the House, where the majority always prevails, the Senate operates under unanimous consent (UC), which requires a supermajority – 60 votes – to get anything done. Any legislative initiative that fails to secure unanimous consent must garner 60 votes to proceed to floor consideration: that's 60 votes on a motion to proceed to debate and 60 votes on a motion to end debate (called a cloture vote). Without a three-fifth majority, the Senate is nearly impossible to manage. McConnell, in deference to this criticism, has convened a special task force to review possible filibuster reforms. The task force has yet to report its findings and recommendations.

Many Republican Senators, however, including Majority Leader Mitch McConnell (R-KY), are reluctant if not openly opposed to doing away with the filibuster rule. Senate members who have served in the minority understand all too well that the filibuster is the only thing that separates the minority in the Senate from suffering the same ignominious fate of their House counterparts, who must bear the daily indignities of being abused if not ignored by the majority.

President to Unveil FY 2017 Budget Request

On February 9, President Obama will officially submit his 2017 Fiscal Year budget request to Congress – a date that also happens to be shared with the New Hampshire Primary.