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Senators plan to revive sentencing reform push

Senate Judiciary Chairman Chuck Grassley says he's not done yet pressing a cause with broad bipartisan support.

By **SEUNG MIN KIM** | 01/04/17 05:13 AM EST



"Criminal justice reform will be one of the legislative bills I plan to bring up early on," Senate Judiciary Committee Chairman Chuck Grassley told POLITICO. | Getty

Criminal justice reform — the great bipartisan hope of 2016 that ended in disappointment — may not be dead just yet.

Senate Judiciary Committee Chuck Grassley (R-Iowa) plans to take up a bill to revamp U.S. sentencing laws and reform prisons soon after his panel clears the high-profile nominations from Donald Trump. A similar measure passed his committee overwhelmingly last year before stalling out in the face of opposition from law-and-order conservatives.

But Grassley told POLITICO he will soon try again.

"The committee will begin the year working through the attorney general and Supreme Court nominees, but criminal justice reform will be one of the legislative bills I plan to bring up early on," he said in a statement. "It cleared the committee with a broad bipartisan majority in the last Congress, and I don't expect that to change."

The chief authors of the criminal justice overhaul, led by Grassley and Senate Minority Whip Dick Durbin (D-Ill.), will continue to try to drum up more support among senators, while "educating" the Trump administration about their bill's merits, Grassley said. The legislation isn't expected to be substantially different than last year's version.

Criminal justice reform could've been one of the bright, bipartisan spots in an otherwise contentious election year. But despite support from President Barack Obama, powerful congressional Republicans, and a sprawling network of groups from the left and right, the legislation never made it to the floor. That was partly due to the determined efforts of law-and-order conservatives

to steamroll it — and there's little to suggest that if the legislation heads to the Senate floor, that dynamic would change.



CONGRESS

Schumer regime promises a sharp break from Reid

By BURGESS EVERETT and SEUNG MIN KIM

Nevertheless, Durbin approached Grassley after the election and pressed the chairman about whether the duo should make another run at it this year, Durbin recalled in a recent phone interview.

Grassley was in. And once the chairman tees up the bill this year in his committee, its supporters expect a bipartisan vote similar to the 15-5 tally it received in October 2015.

Durbin and Grassley's aides have been discussing a strategy to advance the bill in 2017. Aiding their cause is the fact that three opponents — GOP Sens. David Vitter of Louisiana, Jeff Sessions of Alabama and David Perdue of Georgia — are leaving the committee this year, stirring hope that the vote count in favor of the measure could be higher. Vitter no longer serves in the Senate, Sessions is expected to be confirmed as attorney general and Perdue is shifting committees. Replacing them on the influential panel are Sens. Ben Sasse of Nebraska, Mike Crapo of Idaho and John Kennedy of Louisiana.

"I think the committee will be just as strong. It may be stronger," Durbin said. "When you have people like Grassley and Durbin and [Senate Majority Whip John] Cornyn and [Sen. Patrick] Leahy for goodness sakes ... it ought to be enough for us."

The criminal justice bill has two major components. The first part would effectively loosen some mandatory minimum sentences for nonviolent crimes and has drawn the most controversy from some Republicans. The second plank includes changes to the prison system aimed at reducing recidivism rates.

Earlier this year, the bill's chief authors rolled out changes meant to appease criticism from some GOP lawmakers that the legislation could inadvertently reduce sentences for violent offenders. That drew additional co-sponsors from both parties.



House GOP reverses course on gutting ethics panel

By RACHAEL BADE

But the changes weren't enough to satisfy opponents, whose ranks are smaller but just as persistent and vocal. In particular, Sen. Tom Cotton (R-Ark.) has argued that the legislation, even with the revisions, risks prematurely freeing violent criminals and drug traffickers and warned that it is the "victims of crime who will bear the costs of this dangerous experiment in criminal leniency." Sen. Ted Cruz (R-Texas) also opposes the bill, though he has been much more muted with his objections.

Senate Majority Leader Mitch McConnell (R-Ky.) is rarely eager to take up policy fights that divide his conference — and Democrats point a finger at him as a prime reason why criminal justice reform stalled last year.

"The problem we ran into is Sen. McConnell, who didn't want to call the bill to the floor. He was concerned about the impact on the election and also that the House wasn't going to take it up," Durbin said. The question remains going forward, he added, "whether McConnell will give us a chance."

McConnell aide Don Stewart responded that the majority leader spoke several times about the issue in 2016 and "doesn't need Sen. Durbin to be his spokesman."

The president-elect ran on a law-and-order platform, but Trump doesn't appear to have weighed in on the Senate measure during his campaign.

Another wildcard factor is Sessions, Trump's pick to become the attorney general. As a senior member of the Senate Judiciary Committee, he was a

fervent opponent of the sentencing overhaul and one of the five votes against it.



What is the Office of Congressional Ethics and why does it matter?

By **KYLE CHENEY** and **JOHN BRESNAHAN**

But Sen. Thom Tillis (R-N.C.), another supporter of the criminal justice reform effort, speculated that once Sessions becomes the attorney general, his chief objective will be on enforcing what Congress sends him — even if he disagrees with it — rather than slipping into the role of legislator and try to change the laws.

“He’s going to be focused on being the nation’s top law enforcement official,” Tillis said. “I don’t necessarily see him weighing in heavily on public policy choices that President Trump makes.”

Durbin said he intends to press Sessions on his views of criminal justice reform and how he’ll handle the issue at the Justice Department when the two meet privately to discuss about his bid to become attorney general on Wednesday. Though Sessions had wanted to meet earlier, Durbin said Senate Democrats decided as a caucus to not meet with any Cabinet selections until the new year.

“I want to know after all of the speeches he gave on the floor against criminal justice reform, what we can expect of him as attorney general,” Durbin said. “I don’t know what he’ll say.”

Still, others speculate that after Washington endures partisan wars over repealing Obamacare and confirming polarizing presidential nominees, Trump will be looking for a bipartisan win. Criminal justice reform could deliver one.

“I know we have enough votes to send this to the president’s desk,” Tillis said. Stressing his desire to avoid legislative gridlock, Tillis added: “The election was not a Republican mandate. The election was a results mandate.”

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