



AJA February Monthly Report

Last Updated: March 16, 2023

Washington Update

February marked the true beginning of the 118th Congress now that all Committees are fully formed and organized. This also brought the first substantial hearings of the year which laid the groundwork of the Committee work and priorities this Congress. Lobbyit monitored all pertinent committee activities with an eye towards appropriations season.

AJA Virtual Hill Meetings

The Lobbyit team arranged several virtual meetings to re-introduce AJA to some staffers as well as forge new relationships in the 118th Congress.

- Katie Ward, Legislative Correspondent for Senator Jon Ossoff (D-GA)
- Katie provided great insight into potential reintroduction of S. 4284 in the 118th Congress.
- She also identified other bills that the Senator worked on in the previous Congress that remain a priority for his office this year.
- The office offered aid for the upcoming appropriations season for AJA's Georgia constituency.
- Their office was receptive about a potential visit to a Georgia jail during any of the upcoming Senate recess breaks.
- Nicole Walton, Counsel for the Senate Judiciary Committee (Majority Staff)
- Her previous experience within the Department of Justice makes her a great internal ally for AJA.
- Nicole explained that the Senate Judiciary Committee plans to re-introduce several bills related to jails and criminal justice in the coming months.
- Their committee also has oversight into funds appropriated to the DOJ.
- Antavis "L.J." Chavis, Legal Fellow for Representative Sheila Cherfilus-McCormick (D-FL-20)
- The Congresswoman is the hometown Representative for Broward, Palm Beach, North Lauderdale, Pompano Beach, and Sunrise counties. It's imperative for AJA leadership to continue building a relationship with her office.
- AJA expressed their strong opposition to H.R. 6296 and advocated for H.R. 955 from the previous Congress.

Medicaid Reentry Act/Medicaid Inmate Exclusion Policy

The House nor Senate has moved to formally reintroduce the Medicaid Reentry Act (S.285/ H.R.955 - 117th) this Congress; however, from our meetings, we can anticipate the bill to drop in the Senate in April. Lobbyit is scheduling meetings with the sponsors from the last Congress (Baldwin/Tonko) to confirm the timeline and how NCCHC can contribute to the process.

Removal of X-Waiver

On Feb. 10, the Substance Abuse and Mental Health Services Administration (SAMHSA) issued a notice of proposed rulemaking to solicit public comment on its proposal to remove certain provisions under the Controlled Substances Act (CSA). The removal of these provisions is a result of the Consolidated Appropriations Act (CAA) of 2023. The CAA amended the CSA by eliminating the requirement that practitioners obtain a waiver to prescribe certain Schedule III-V drugs to treat opioid use disorder (OUD).

ICYMI: Dr. Gupta USA Today Op-Ed on Removal of the X-Waiver: <https://www.whitehouse.gov/ondcp/briefing-room/2023/01/23/icymi-dr-gupta-usa-today-op-ed-on-removal-of-the-x-waiver/>

Opioid Treatment Updates

In February, Senators Markey and Paul and Representatives Norcross and Bacon introduced a bill to expand the take-home prescribing of methadone through pharmacies (H.R.1359/S. 644). Lobbyit recommends providing a letter of support and highlighting how this will impact treatment at jails and prisons.

Family Notification Legislation

Senator Ossoff's team has not yet provided a timeline for the possible reintroduction of the family death or illness notification legislation. Lobbyit has scheduled meetings with Representatives Mace and Raskin, who were both House cosponsors in the 117th Congress, to determine if they will be involved this year. Lobbyit continues to follow up with Senator Ossoff's office to ensure that AJA's preferred language is included in the bill.

Work on the Hill

On February 15th, Lobbyit followed up with Senator Ossoff's office regarding a potential site visit to Atlanta at the end of February. Unfortunately, schedules did not align, and Lobbyit will work with AJA around a visit in the spring.

Lobbyit is also working to facilitate a site visit with Rep. Cherfilus-McCormick's office in the Boca Raton/West Palm Beach area in the spring.

At the recommendation of Senator Ossoff's team, Lobbyit it has scheduled an introductory meeting with Seth Gold from the Senate Judiciary majority staff to gather more information on the family notification legislation.

House could block Labor-HHS-Education earmarks

House GOP appropriators could potentially bar local projects from the fiscal 2024 Labor-HHS-Education spending bill, and possibly from the Financial Services measure as well.

Sources attributed the potential move, at least in part, to concern over earmarks in the fiscal 2023 omnibus spending package (PL 117-328). Those included several projects related to LGBTQ and transgender services criticized by Republicans and conservative groups.

Republicans also want to meet a pledge to cut more than \$130 billion from current levels when they write their fiscal 2024 bills. There were \$15.3 billion worth of earmarks in the fiscal 2023 omnibus, a CQ Roll Call tally found, with the Labor-HHS-Education portion responsible for nearly \$2.7 billion of that total.

End of the PHE

Between 5 and 14 million people could lose Medicaid coverage over the next year as a pandemic-era benefit unwinds, according to a Kaiser Family Foundation projection. The "vast majority" of people losing Medicaid coverage will be eligible for other forms of insurance, including subsidized plans under the Affordable Care Act that will still be "highly valuable to them as opposed to being uninsured," said American Enterprise Institute Senior Fellow Jim Capretta. But it'll be a daunting administrative task for states.

Amid the various and sundry relief measures in the FFCRA, Congress offered the states a deal they couldn't (or at least didn't) refuse: The federal government increased its share of the Medicaid matching funds rate—the formula it uses to decide how much to reimburse states for Medicaid enrollees' medical services—by 6.2 percentage points. In exchange, the states agreed to certain requirements, including that they continuously cover anyone who became eligible for Medicaid coverage over the course of the COVID-19 public health emergency (PHE), "even if their income or other circumstances changed," according to the National Association of Medicaid Directors.

In a recession environment, more people become eligible for and enroll in Medicaid at the same time that state budget constraints become tighter. Raising the matching funds rate is a simple, if untargeted, way for the federal government to provide fiscal support, according to Capretta: "It's a lever you can pull quickly."

Congress has decided that now is the time for states to begin reverting back to the pre-COVID normal. Even though the PHE doesn't end until May 11, the omnibus bill that passed in December allows states to begin the year-long unwinding process on April 1, with the extra matching funds set to run out at the end of 2023.

Fiscal Year 2024 Budget Update

Doubts are growing that Senate Budget Chairman Sheldon Whitehouse will write a fiscal 2024 budget resolution, in contrast to his House Republican counterpart.

Whitehouse, (D-RI) has said that he is waiting to see President Joe Biden's budget proposal due in March and the House's budget resolution before making a decision on whether his panel should write a tax and spending blueprint.

Meanwhile in the House, Budget Chairman Jodey C. Arrington (R-TX) is at work on a budget resolution that he hopes to finish by April 15. Arrington has the task of writing a budget that will assume limiting fiscal 2024 discretionary spending to fiscal 2022 levels, requiring more than \$130 billion in cuts largely from nonveterans' domestic programs and foreign aid accounts. House Republicans are intent on attaching spending cuts to any debt limit increase.

With debt near the statutory limit, Treasury is using accounting maneuvers to provide the space to continue to borrow temporarily. Analysts estimate those measures will run out most likely in July or later, but it is possible they could be exhausted in June.

Senate Budget Committee member Chris Van Hollen (D-MD) is skeptical the Senate will take up a budget. Van Hollen said the priority should be for the Senate Appropriations Committee, on which he also sits, to reach a "working agreement" on a fiscal 2024 discretionary topline, including allocations for defense and nondefense, to enable the panel to write and mark up the 12 bills.

On the Republican side, Senator Charles E. Grassley (R-IA), the ranking member on Senate Budget, also is doubtful. Without the opportunity to use a budget resolution to lay the foundation for a partisan reconciliation bill, there is little incentive for Democrats to take up a budget and political incentives not to do so.

With Congress divided, there is little real chance of House Republicans and Senate Democrats agreeing on a budget resolution and a reconciliation bill any time soon. Lobbyit will continue to monitor the budget process for our policy priorities and provide updates.

Bills by Issue

American Jail Association (19)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HCONRES 5	Referred To The House Committee On The Judiciary 2023 01 09	In House	None	None	15.1% 0.0%
Title			Introduction Date: 2023-01-09			
Expressing support for the Nation's law enforcement agencies and condemning any efforts to defund or dismantle law enforcement agencies.						
Description						
This concurrent resolution offers sincere gratitude and appreciation for the nation's law enforcement officers. It also recognizes the sacrifices of law enforcement officers and rejects efforts to defund and dismantle state and local law enforcement agencies.						
Primary Sponsors						
Tom Tiffany						

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 27	Referred To The House Committee On The Judiciary 2023 01 09	In House	None	None	5.6% 74.0%

Title Prosecutors Need to Prosecute Act **Introduction Date:** 2023-01-09

Description

Prosecutors Need to Prosecute Act This bill requires certain state and local prosecutors to report data on criminal referrals and outcomes of cases involving murder or non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, arson, or any offense involving the illegal use or possession of a firearm. The reporting requirement applies to state and local prosecutors in a jurisdiction with 380,000 or more persons that receives funding under the Edward Byrne Memorial Justice Assistance Grant program. The report must contain data on * cases referred for prosecution, * cases declined for prosecution, * cases resulting in a plea agreement with the defendant, * cases initiated against defendants with previous arrests or convictions, and * defendants charged who were released or eligible for bail.

Primary Sponsors

Nicole Malliotakis

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 46	Referred To The Committee On Energy And Commerce And In Addition To The Committee On The Judiciary For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2023 01 09	In House	None	None	7.4% 68.7%

Title Mental Health Access and Gun Violence Prevention Act of 2023 **Introduction Date:** 2023-01-09

Description

Mental Health Access and Gun Violence Prevention Act of 2023 This bill authorizes FY2024 appropriations for the Department of Justice, the Department of Health and Human Services, and the Social Security Administration to (1) increase access to mental health care treatment and services, and (2) promote reporting of mental health information to the National Instant Criminal Background Check System. (This system is used to query federal, state, local, tribal, and territorial criminal history record information and other records to determine an individual's eligibility to receive, transfer, or possess firearms.)

Primary Sponsors

Sheila Jackson Lee

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 50	Referred To The House Committee On The Judiciary 2023 01 09	In House	None	None	8.5% 65.6%

Title Terry Technical Correction Act **Introduction Date:** 2023-01-09

Description

Terry Technical Correction Act This bill broadens the scope of crack cocaine offenders who are eligible for a retroactive sentencing reduction under the First Step Act of 2018. The First Step Act made the Fair Sentencing Act of 2010 retroactive and authorized sentencing reductions for certain crack cocaine offenders convicted and sentenced before the Fair Sentencing Act became effective. Under current law, crack cocaine offenders whose conduct triggered a mandatory minimum sentence are eligible for a retroactive sentencing reduction under the First Step Act. However, in 2021, the Supreme Court held in Terry v. United States that low-level crack cocaine offenders whose conduct did not trigger a mandatory minimum sentence are not eligible for a retroactive sentencing reduction under the First Step Act. This bill extends eligibility for a retroactive sentencing reduction under the First Step Act to all crack cocaine offenders convicted and sentenced before the Fair Sentencing Act became effective, including low-level offenders whose conduct did not trigger a mandatory minimum sentence.

Primary Sponsors

Sheila Jackson Lee

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 54	Referred To The House Committee On The Judiciary 2023 01 09	In House	None	None	8.4% 66.1%

Title Federal Prison Bureau Nonviolent Offender Relief Act of 2023 **Introduction Date:** 2023-01-09

Description

Federal Prison Bureau Nonviolent Offender Relief Act of 2023 This bill establishes a new early release option for certain federal prisoners. Specifically, the Bureau of Prisons must release early an offender who has completed at least half of his or her sentence if such offender has attained age 45, has never been convicted of a crime of violence, and has not received any institutional disciplinary violations.

Primary Sponsors

Sheila Jackson Lee

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 56	Referred To The House Committee On The Judiciary 2023 01 09	In House	None	None	8.4% 62.9%

Title Introduction Date: 2023-01-09
RAISE Act of 2023

Primary Sponsors
Sheila Jackson Lee

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 62	Referred To The Committee On Energy And Commerce And In Addition To The Committee On The Judiciary For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2023 01 09	In House	None	None	7.4% 69.4%

Title Introduction Date: 2023-01-09
SHIELD Act

Description

Safeguard Healthcare Industry Employees from Litigation and Distress Act or the SHIELD Act This bill establishes a framework to limit interference with persons seeking to provide or access reproductive health services at the state level. For the purposes of this summary, interference with persons seeking to provide or access reproductive health services includes acts to prevent, restrict, impede, or retaliate against * a health care provider who provides reproductive health care services, * any person or entity who helps health care providers to provide such services, * any person who seeks to access such services, or * any person or entity who helps another person to access such services. First, the bill reduces the allocation of funds under certain law enforcement grant programs for a state that has in effect a law authorizing state or local officers or employees to interfere with persons seeking to provide or access reproductive health services. Second, the bill prohibits interference with persons seeking to provide or access reproductive health care services * by state or local officers or employees acting under color of law in any manner that would have a discriminatory effect on a woman, and * by persons who are not state or local officers or employees and are attempting to implement or enforce a state law in circumstances affecting interstate commerce. The bill authorizes civil remedies for a violation, including damages and injunctive relief. Additionally, it authorizes criminal penalties for a violation involving the use of a deadly or dangerous weapon or the infliction of bodily injury.

Primary Sponsors
Sheila Jackson Lee

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 238	Referred To The House Committee On The Judiciary 2023 01 10	In House	None	None	8.6% 66.1%

Title Introduction Date: 2023-01-10
Residential Substance Use Disorder Treatment Act of 2023

Primary Sponsors
Sheila Jackson Lee

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 355	Referred To The House Committee On The Judiciary 2023 01 13	In House	None	None	5.5% 66.4%

Title Introduction Date: 2023-01-13
Back the Blue Act of 2023

Primary Sponsors
Don Bacon

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 444	Referred To The House Committee On The Judiciary 2023 01 20	In House	None	None	5.0% 60.6%

Title Introduction Date: 2023-01-20
End For-Profit Prisons Act of 2023

Description
End For-Profit Prisons Act of 2023 This bill establishes a framework to phase out existing Bureau of Prisons (BOP) and U.S. Marshals Service contracts with private companies for correctional facilities and community confinement facilities (e.g., halfway houses). The bill requires the Department of Justice to develop guidelines for community reintegration programs at community confinement facilities. In carrying out prerelease and reentry planning procedures, the bill requires the BOP to ensure prisoners receive information and counseling about criminal record expungement; educational, employment, and treatment programs; and applications for public assistance programs, a driver's license, and voter registration. The BOP must also provide prisoners with postrelease information about fines, assessments, surcharges, restitution, and other penalties.

Primary Sponsors
Bonnie Watson Coleman

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 982	Referred To The Committee On The Judiciary And In Addition To The Committee On The Budget For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2023 02 10	In House	None	None	5.8% 76.7%

Title Pregnant Women in Custody Act **Introduction Date:** 2023-02-10

Primary Sponsors
Sydney Kamlager-Dove

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HR 1359	Referred To The Committee On Energy And Commerce And In Addition To The Committee On The Judiciary For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2023 03 03	In House	None	None	5.4% 78.3%

Title To expand the take-home prescribing of methadone through pharmacies. **Introduction Date:** 2023-03-03

Primary Sponsors
Donald Norcross

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	HRES 115	Referred To The House Committee On The Judiciary 2023 02 09	In House	None	None	5.9% 70.2%

Title Establishing a Women's Bill of Rights to reaffirm legal protections afforded to women under Federal law. **Introduction Date:** 2023-02-09

Description
This resolution expresses the sense of the House of Representatives that (1) for purposes of federal law, a person's sex means the person's biological sex at birth; and (2) distinctions between the sexes are justified in certain settings, laws, and policies.

Primary Sponsors
Debbie Lesko

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	S 508	Read Twice And Referred To The Committee On The Judiciary 2023 02 16	In Senate	None	None	5.2% 74.3%

Title Introduction Date: 2023-02-16
Ensuring Work Opportunities in Correctional Facilities Act of 2023

Primary Sponsors
Cory Booker

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	S 516	Read Twice And Referred To The Committee On Health Education Labor And Pensions 2023 02 16	In Senate	None	None	7.5% 70.6%

Title Introduction Date: 2023-02-16
Fair Wages for Incarcerated Workers Act of 2023

Primary Sponsors
Cory Booker

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	S 517	Read Twice And Referred To The Committee On The Judiciary 2023 02 16	In Senate	None	None	13.6% 68.2%

Title Introduction Date: 2023-02-16
Combating Workplace Discrimination in Correctional Facilities Act
of 2023

Primary Sponsors
Cory Booker

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	S 518	Read Twice And Referred To The Committee On The Judiciary 2023 02 16	In Senate	None	None	5.2% 72.4%

Title Introduction Date: 2023-02-16
Correctional Facilities Occupational Safety and Health Act of 2023

Primary Sponsors
Cory Booker

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	S 644	Read Twice And Referred To The Committee On Health Education Labor And Pensions 2023 03 02	In Senate	None	None	14.3% 78.6%

Title Introduction Date: 2023-03-02

A bill to expand the take-home prescribing of methadone through pharmacies.

Primary Sponsors
Ed Markey

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
US	S 713	Read Twice And Referred To The Committee On The Judiciary 2023 03 08	In Senate	None	None	19.4% 68.5%

Title Introduction Date: 2023-03-08

A bill to amend section 3624 of title 18, United States Code, to require carjackers to serve their prison sentences.

Primary Sponsors
Tom Cotton