

AJA Monthly Report - November 2022

Last Updated: December 12, 2022

Washington Update

The 2022 mid-term elections took place on November 8th and set the stage for the end-of-the-year lame duck session in Congress and the new 118th Congress that will be sworn in on January 3rd, 2023. After all the votes were counted, the results indicated that the Senate will be divided 50 Democrats to 49 Republicans, with the Georgia senate seat decided by a runoff in early December. Republicans will take a majority of 222-212 in the House, with one seat vacant due to the passing of Rep. Donald McEachen (D-VA) in late November. Despite losing the House of Representatives, the results were much more favorable to Congressional Democrats than had been anticipated prior to the elections. Following the election, Congress returned to session briefly to consider some non-major legislative items, select party leadership, and orient new members-elect.

Justice and Mental Health Collaboration Reauthorization Act

In late November, the House of Representatives passed S. 3846, the Justice and Mental Health Collaboration Reauthorization Act. The bill had previously passed the Senate in June.

This bill modifies and reauthorizes through FY2026 the Justice and Mental Health Collaboration Program. The program provides state, local, and tribal grants to improve the criminal justice system's response to people with mental health disorders.

Among the modifications, the bill (a) allows funds for diversion and alternative prosecution and sentencing programs to be used for training for state and local prosecutors related to diversion programs; (b) allows funds for multidisciplinary teams to be used to support police officers and mental health crisis workers responding together to mental health calls; and (c) allows grants to be awarded for additional purposes such as suicide prevention programs and services, case management services, and state and local implementation of the 988 suicide hotline.

Additionally, the bill reauthorizes through FY2026 the requirement for the Department of Justice to examine and report on the prevalence of mentally ill offenders in prisons and jails.

Mental Health Parity Act

The Senate Finance Committee indicated that it is prepared to release its draft text of policies aimed at improving mental health parity in Medicare and Medicaid and helping put access to mental health and substance use disorder services on par with physical health care. Mental health parity includes a set of laws aimed at ensuring mental and physical health care are covered equally by health insurers.

According to the committee, this is the last of five legislative drafts released by the committee's Bipartisan Behavioral Health Initiative since last May. The other draft titles focused on telehealth, youth mental health, workforce, and physical and mental health integration. The five titles will eventually be packaged together into a large, over-arching mental health bill that the committee will consider. Staff on the committee have indicated to LobbyIt that they do not anticipate the texts to be considered in the remainder of this year, but that they will be ready to go for the new Congress in 2023.

Leadership Changes to Relevant Congressional Committees

Heading into new 118th Congress, several of the Congressional Committees relevant to NCCHC will see leadership changes, shaping policies that may impact AJA in new ways.

The House Judiciary Committee oversees policies related to drug enforcement, sentencing, parole, Federal Rules of Criminal Procedure, prisons and criminal law enforcement. The Republican majority will elevate Rep. Jim Jordan (R-OH) to the chairmanship. Rep. Jordan is an influential conservative in the House Republican Conference and is expected to be a fierce overseer of the current administration.

Three of the four congressional committees with health care jurisdiction and working on mental health legislation will see new leadership. In the House, the Energy and Commerce Committee – which has jurisdiction over substance use and misuse, the Office of National Drug Control Policy, and the Substance Abuse and Mental Health Services Administration, among other health policy areas – will be chaired by Rep. Cathy McMorris Rodgers (R-WA). The House Ways and Means Committee will be chaired by either Rep. Vern Buchanan (R-FL) or Rep. Jason Smith (R-MO). The Senate HELP Committee will be chaired by Sen. Bill Cassidy (R-LA).

Bills by Issue

American Jail Association (16)

Bill Number

HR 120

Last Action

Referred To The Subcommittee On Crime
Terrorism And Homeland Security 2021 03 01

Status

In House

Title

SIMARRA Act

Introduction Date: 2021-01-04

Description

Stop Infant Mortality And Recidivism Reduction Act of 2021 or the SIMARRA Act This bill directs the Bureau of Prisons to establish a pilot program for incarcerated women and their children born during incarceration to reside together in a separate prison housing unit. It sets forth inmate eligibility criteria and program participation requirements.

Primary Sponsors

Sheila Jackson Lee

Bill Number

HR 176

Last Action

Referred To The Subcommittee On Crime
Terrorism And Homeland Security 2021 03 04

Status

In House

Title

Restricting the Use of Solitary Confinement Act

Description

Restricting the Use of Solitary Confinement Act This bill imposes restrictions on the use of solitary confinement for inmates in federal custody. Among the restrictions, the bill prohibits placement in solitary confinement for nondisciplinary reasons; it limits the duration of such placement; and it provides an administrative review process for inmates to contest such placement.

Primary Sponsors

Bonnie Watson Coleman

Bill Summary: Last edited by Jason Ortega at Feb 5, 2021, 7:32 PM
This bill restricts the use of solitary confinement for inmates in federal custody, including by requiring hearings and other procedures for an inmate to contest placement in solitary confinement.

Introduction Date: 2021-01-04

Bill Number

HR 955

Last Action

Referred To The Subcommittee On Health
2021 02 09

Status

In House

Title

Medicaid Reentry Act of 2021

Introduction Date: 2021-02-08

Description

Medicaid Reentry Act of 2021 This bill allows Medicaid payment for medical services furnished to an incarcerated individual during the 30-day period preceding the individual's release. The Medicaid and Children's Health Insurance Program (CHIP) Payment and Access Commission must report on specified information relating to the accessibility and quality of health care for incarcerated individuals, including the impact of the bill's changes.

Primary Sponsors

Paul Tonko

Bill Number

HR 994

Last Action

Referred To The Subcommittee On Crime
Terrorism And Homeland Security 2021 04 23

Status

In House

Title

Justice is Not For Sale Act of 2021

Introduction Date: 2021-02-11

Description

Justice is Not For Sale Act of 2021 This bill prohibits private for-profit entities from operating confinement facilities (e.g., prisons) or providing electronic monitoring of released persons at the federal, state, and local levels. The bill also establishes various requirements related to the standards of detention and availability of services at confinement facilities. The bill provides for the establishment of * limits on the fees and charges for financial services (e.g., money transfer services), * caps on the rates charged for communications services, * detention standards and oversight requirements related to the detention of noncitizens, and * community-based alternatives to the detention or separation of family units apprehended under immigration authorities.

Primary Sponsors

Raul Grijalva

Bill Number

HR 1384

Last Action

Referred To The Subcommittee On Crime
Terrorism And Homeland Security 2021 04 28

Status

In House

Title

Mainstreaming Addiction Treatment Act of 2021

Introduction Date: 2021-02-25

Description

Mainstreaming Addiction Treatment Act of 2021 This bill removes the requirement that a health care practitioner apply for a separate waiver through the Drug Enforcement Administration (DEA) to dispense certain narcotic drugs (e.g., buprenorphine) for maintenance or detoxification treatment (i.e., substance use disorder treatment). Further, a community health aide or community health practitioner may dispense certain narcotic drugs for maintenance or detoxification treatment without registering with the DEA if the drug is prescribed by a health care practitioner through telemedicine. It preempts state laws related to licensure for this activity. The bill also directs the Substance Abuse and Mental Health Services Administration to conduct a national campaign to educate health care practitioners and encourage them to integrate substance use disorder treatment into their practices.

Primary Sponsors

Paul Tonko

Bill Number

HR 1480

Last Action

Received In The Senate And Read Twice And
Referred To The Committee On Health
Education Labor And Pensions 2021 05 13

Status

In Senate

Title

HERO Act

Introduction Date: 2021-03-02

Description

Helping Emergency Responders Overcome Act or the HERO Act This bill establishes a series of programs relating to the behavioral health of law enforcement officers, first responders, 9-1-1 operators, and other public safety officers and health care providers. The programs include * a public safety officer suicide-reporting system at the Centers for Disease Control and Prevention, * a grant program for peer-support behavioral health and wellness programs within fire departments and emergency medical services agencies, and * a grant program for behavioral health and wellness programs for health care providers.

Primary Sponsors

Ami Bera

Bill Number

HR 1686

Last Action

Referred To The Subcommittee For Indigenous Peoples Of The United States 2021 05 07

Status

In House

Title

Examining Opioid Treatment Infrastructure Act of 2021

Introduction Date: 2021-03-09

Description

Examining Opioid Treatment Infrastructure Act of 2021 This bill requires the Government Accountability Office to report on the availability of and unmet need for substance use disorder treatment and recovery services, including for specified populations. The report must also address barriers to real-time reporting of drug overdoses at the federal, state, and local levels.

Primary Sponsors

Bill Foster

Bill Number

HR 2489

Last Action

Referred To The Subcommittee On Communications And Technology 2021 04 14

Status

In House

Title

Martha Wright Prison Phone Justice Act

Introduction Date: 2021-04-13

Description

Martha Wright Prison Phone Justice Act This bill establishes requirements related to certain charges, practices, classifications, or regulations in connection with confinement facility (i.e., jail or prison) communications services. Specifically, the bill requires the Federal Communications Commission (FCC) to establish maximum rates and charges that a provider of prison communications services may charge for such services. The bill provides interim rate caps until the FCC establishes such rates and charges. The bill requires a provider of prison communications services to assess all charges for communications on a per-minute basis for the actual duration of the communication, and it prohibits a provider from charging a per-communication or per-connection charge. A provider also may not charge an ancillary service charge except in certain circumstances. Further, the bill prohibits a provider from assessing a site commission, which is a payment or donation made to certain entities that operate or oversee a confinement facility.

Primary Sponsors

Bobby Rush

Bill Number

HR 3172

Last Action

Referred To The House Committee On
Financial Services 2021 05 13

Status

In House

Title

HELPER Act of 2021

Introduction Date: 2021-05-13

Description

Homes for Every Local Protector, Educator, and Responder Act of 2021 or the HELPER Act of 2021 This bill establishes a program administered by the Department of Housing and Urban Development to provide mortgage assistance to law enforcement officers, elementary and secondary school teachers, firefighters, or other first responders. Specifically, these individuals may be eligible for a one-time mortgage on a primary family residence with no down payment and no monthly mortgage insurance premium.

Primary Sponsors

John Rutherford

Bill Number

HR 6296

Last Action

Referred To The House Committee On The
Judiciary 2021 12 16

Status

In House

Title

Family Notification of Death, Injury, or Illness in Custody Act of 2021

Introduction Date: 2021-12-16

Description

Family Notification of Death, Injury, or Illness in Custody Act of 2021 This bill requires the Department of Justice (DOJ) to develop policies and procedures for notifying next-of-kin or other emergency contacts in the event of the death, or serious illness or serious injury, of an individual in custody. The bill requires DOJ to implement the policies and procedures at its detention agencies. Further, the bill requires DOJ to distribute model policies and procedures to state, territorial, tribal, and local detention agencies.

Primary Sponsors

Karen Bass

Bill Number

S 285

Last Action

Read Twice And Referred To The Committee
On Finance 2021 02 08

Status

In Senate

Title

Medicaid Reentry Act of 2021

Introduction Date: 2021-02-08

Description

Medicaid Reentry Act of 2021 This bill allows Medicaid payment for medical services furnished to an incarcerated individual during the 30-day period preceding the individual's release. The Medicaid and Children's Health Insurance Program (CHIP) Payment and Access Commission must report on specified information relating to the accessibility and quality of health care for incarcerated individuals, including the impact of the bill's changes.

Primary Sponsors

Tammy Baldwin

Bill Number

S 1046

Last Action

Held At The Desk 2021 08 03

Status

In House

Title

Residential Substance Use Disorder Treatment Act of 2021

Introduction Date: 2021-03-25

Description

Residential Substance Use Disorder Treatment Act of 2021 This bill revises and reauthorizes through FY2026 grants for residential substance use disorder treatment programs at state and local correctional and detention facilities. Among the revisions, the bill * replaces statutory references to substance abuse with substance use disorder, * specifies that the term residential substance use disorder treatment program includes a medication-assisted treatment program, * requires the chief medical officer or other staff overseeing a program to complete training on the science of addiction and the latest research and clinical guidance on treating substance use disorders in criminal justice settings, and * allows people who are awaiting trial or in pretrial detention to participate in the programs.

Primary Sponsors

John Cornyn

Bill Number

S 1541

Last Action

Committee On Commerce Science And
Transportation Ordered To Be Reported With
An Amendment In The Nature Of A Substitute
Favorably 2022 03 22

Status

In Senate

Title

Martha Wright-Reed Just and Reasonable Communications Act of
2021

Introduction Date: 2021-05-10

Description

Martha Wright-Reed Just and Reasonable Communications Act of
2021 This bill requires the Federal Communications Commission to
ensure that charges for payphone services, including advanced
(e.g., audio or video) communications services in correctional
institutions, are just and reasonable.

Primary Sponsors

Tammy Duckworth

Bill Number

S 1821

Last Action

Read Twice And Referred To The Committee
On Finance 2021 05 25

Status

In Senate

Title

Humane Correctional Health Care Act

Introduction Date: 2021-05-25

Description

Humane Correctional Health Care Act This bill allows states to
cover inmates of public institutions under Medicaid. The
Government Accountability Office must report on specified
information relating to the health of inmates and the effects of
Medicaid coverage.

Primary Sponsors

Cory Booker

Bill Number

S 2592

Last Action

Read Twice And Referred To The Committee
On The Judiciary 2021 08 03

Status

In Senate

Title

Correctional Facility Disaster Preparedness Act of 2021

Introduction Date: 2021-08-03

Description

Correctional Facility Disaster Preparedness Act of 2021 This bill directs the Bureau of Prisons (BOP) to submit an annual report on disaster damage to its facilities and contract prisons. The report must explain the effects of the damage on inmates and staff. The report must also include any corrective actions the BOP will take to modernize emergency preparedness plans and legislative recommendations to improve emergency preparedness within the BOP. The bill also requires the National Institute of Corrections to conduct a public field hearing on how correctional facilities can incorporate in their emergency preparedness plans and recovery efforts various elements, including access to programs and services for inmates and risk management best practices for staff.

Primary Sponsors

Tammy Duckworth

Bill Number

S 4284

Last Action

Read Twice And Referred To The Committee
On The Judiciary 2022 05 19

Status

In Senate

Title

Family Notification of Death, Injury, or Illness in Custody Act of 2022

Introduction Date: 2022-05-19

Primary Sponsors

Jon Ossoff

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