

AJA Monthly Report - August 2022

Last Updated: September 10, 2022

WASHINGTON UPDATE

While Congress was out of DC on recess for much of August, the Biden Administration kept busy with high profile announcements including additional aid to Ukraine and broad-scale student debt forgiveness for federal loans (\$10,000 to \$20,000 per student).

The week leading up to recess were busy ones on the Hill, however. Within the first 10 days of August, Congressional Democrats reached a deal and passed a large budget reconciliation bill, the Inflation Recovery Act (IRA). The bill included healthcare related provisions such as allowing Medicare to negotiate prescription drug pricing, as well as climate provisions aimed at reducing reliance on non-renewable energy sources. Tax provisions were also included, with the most notable being a new 15 percent minimum corporate income tax on book income on large corporations (those with an average annual income over \$1 billion). President Biden signed this bill, which passed along party lines, into law in August.

Appropriations Committee staff have also been hard at work this month, with the House preparing a stopgap continuing resolution (CR) to fund the budget through mid-December. This will allow them to delay passing a FY23 funding bill past the original deadline of September 30th until after the election.

Looking into September, Congress will be in for just a couple of weeks ahead of the November midterm elections. The focus will be on passing a Continuing Resolution to keep the government funded into December, as mentioned above, as well as potentially trying to push through other, tougher priorities such as anti-trust and police funding legislation. Election season is in full swing, with primaries taking place around the country. It is expected to be a heavily contested cycle, putting the pressure on both parties as we head into the fall.

INMATE CALL RATES

Rep. Bobby Rush (D-IL) placed an op-ed in thecrimereport.org advocating for passage of the Martha Wright Prison Phone Justice Act. Rep. Rush is the sponsor of the House bill and is a senior member of the House Energy & Commerce Committee, which has jurisdiction over the legislation.

It is unclear if the op-ed signals a significant effort to move the legislation. The website is a niche outlet and there hasn't been much chatter or legislative movement on the legislation in the House. That said, Lobbyit is paying particular attention now and will poke around to see if we hear of any plans to act on it in the House.

The op-ed can be read at:

<https://thecrimereport.org/2022/08/26/phone-injustice-profitting-from-families-of-the-incarcerated/>

LAW ENFORCEMENT BILLS

Prior to recessing for the August break, the House of Representatives tried to pass to law-enforcement bills:

H.R. 6375, to permit COPS grants to be used for the purpose of increasing the compensation and hiring of law enforcement officers; and

H.R. 6448, to direct the Office of COPS at DOJ to carry out a grant program to provide assistance to police departments with fewer than 200 law enforcement officers.

The House tabled the two bills and ultimately didn't consider them after some internal disagreements in the House Democrat Caucus between moderates and progressives.

We expect that leadership may try to bring the two bills back up with some adjusted/compromise text while they are back in session in September. From our reading of the bills, they would not impact or benefit jails, prisons, or other corrections facilities.

GUIDANCE ON MEDICAID RE-ENTRY FOR INCARCERATED INDIVIDUALS

The Biden Administration has continued to implement the SUPPORT Act and advance other initiatives as part of the ongoing focus on unmet mental health needs and challenges posed by substance use disorders. Section 5032 of the SUPPORT Act required the Centers for Medicare and Medicaid Services (CMS) to issue guidance to states outlining opportunities for Medicaid demonstrations to improve continuity of care for individuals transitioning from incarceration to the community. In October 2020, CMS established the Medicaid Reentry Stakeholder Group, as mandated by the Act, but the agency has yet to issue letters to State Medicaid Directors. Since passage of the SUPPORT Act, a number of states have submitted Medicaid Section 1115 waivers to CMS to finance transitional care for incarcerated individuals re-entering the community, who are known to be at a high risk of drug overdoses.

MENTAL HEALTH LEGISLATION OUTLOOK

Congress and the Biden-Harris administration continue to actively engage on mental health and substance use disorder issues. There may still be bipartisan action later this year on pending mental health proposals in both chambers. Congress is expected to pass a Continuing Resolution (CR) before the end of September to keep the government funded into the next fiscal year and other legislation, such as the FDA user fee reauthorization and various other health care provisions, could potentially be attached to this spending measure. A year-end health care package also could come together during the post-election lame duck period.

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	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.	
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.	Introduction Date: 2021-01-04	
Primary Sponsors Bonnie Watson Coleman		

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

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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