

AJA Monthly Report - July 2022

Last Updated: August 03, 2022

Washington Update

July was an action-packed month on the Hill as Congress worked hard to wrap up several high priority agenda items ahead of the August recess. With negotiations stalling on the Bipartisan Innovation Act, Congress was urged by the national security community to act with urgency to pass the CHIPS Act portion of the bill (which funds domestic semiconductor manufacturing) as a standalone. Congress worked quickly to pass a package which included the CHIPS Act as well as several other research and development and education provisions from the broader USICA/COMPETES Act negotiations that had bipartisan support.

Congress continues to move through the 2023 budget cycle, with the House passing their suite of appropriations bills in July. The House-passed bills had particularly significant increases to the budget for the Department of Education. The Senate released their draft bill text last week, giving us a fuller picture of the differences and similarities between the two chambers. The Senate is expected to move forward with these bills after the August recess. Given the fiscal year is set to end on September 30, our team has been told that they will first pass a continuing resolution which will push a final vote on the 2023 budget to after the November election.

Another big announcement that came in this month confirmed what we had already been told: Senator Manchin and Senator Schumer had been negotiating for several months on an updated budget reconciliation package similar to last year's unpassed Build Back Better Act. The two came to an agreement on a slimmer package that includes support for certain Medicaid reforms, tax changes, and climate provisions. If the package can win support from all 50 Democrats (including Senator Sinema of Arizona, a key swing vote), we expect this to move quickly, with the House potentially returning during August to vote on the updated bill.

Mental Health Legislation

A package of bills continues working its way through both chambers of Congress to address the federal government's response to the nationwide health crisis. However, there has been no formal action on various pieces of legislation. The Senate Finance Committee and Senate Health/Education/Labor/Pensions Committee continue to gather and solicit stakeholder input.

Gun Safety Legislation

Following mass shootings in Texas and New York earlier this summer, Congress passed its first significant gun-safety legislation in decades. The legislation includes funding for states to implement red flag laws and other crisis intervention orders, enhances protections for victims of domestic violence, clarifies the definition of federally licensed arms dealers, implements an enhanced review process for individuals aged 18 to 21 looking to purchase a firearm, and addresses arms trafficking with new criminal penalties.

On the mental health front, the legislation funnels several billion dollars into existing school and community-based mental health services and programs. In short, it supports national expansion of community behavioral health center model, improves access to mental health services for children, youth, and families, increases access to mental health services for youth and families in crisis via telehealth, and provides major investments at the Department of Health and Human Services to programs that expand provider training in mental health, support suicide prevention, crisis and trauma intervention and recovery.

While these provisions do not directly impact correctional facilities, it is important to note that most of Congress has claimed credit for passing "significant mental health" provisions. This appears to have taken some of the wind out of the sails of a broader mental health package being passed by Congress this year. We expect the previously-mentioned committees of jurisdiction to continue working on mental health, but a broader package may be pushed farther to the right on the calendar.

Appropriations

In late July, the Senate Appropriations Committee unveiled its draft appropriations bills for fiscal year 2023. In the Committee's draft of the Commerce/Justice/Science bill, the Committee noted that funding from the Edward Byrne Memorial Justice Assistance Grant Program is eligible for state, local, and tribal governments that target funding to corrections programs and drug treatment and enforcement programs. Regarding re-entry, the committee wrote:

"Roadmap to Reentry – The Committee recognizes the benefits of making our criminal justice system more fair, more efficient, and more effective at reducing recidivism by helping formerly incarcerated individuals successfully return to their communities. To that end, the Committee directs the BOP to reestablish the principles identified in the Justice Department's "Roadmap to Reentry" and to being the process of implementing these principles to improve the correctional practices and programs, including providing (1) individualized reentry plans for individuals; (2) access to education employment training, life skills, substance abuse, mental health, and other programs; (3) resources and opportunities to build and maintain family relationships; (4) individualized continuity of care; and (5) comprehensive reentry-related information and access to resources."

And:

"Reentry Guidance for Prison Education Programs – The Committee encourages DOJ, in collaboration with the Department of Education, to develop and provide technical assistance and guidance to the BOP, State departments of corrections, and other entities that are responsible for overseeing correctional facilities on how to support individuals who are preparing to leave prison, reentering their communities, and either continuing their education or seeking employment. The Committee directs the Department to provide guidance on best practices in integrating reentry planning for participants in prison education programs.

Additionally of note, related to deaths in custody, the committee wrote:

"Death in Custody Act (DCRA) Reporting – Within 90 days of enactment of this act, the Attorney General shall submit a report outlining the Department's plans to implement the DCRA. The report shall address the quality of the data the DOJ has collected to date and consider ways to improve the quality and transparency of future data collected, including implementing DOJ's 2016 proposed collection plan. It shall also include a timeline for the public release of the report required by the DCRA."

The Committee also provided a total of \$455 million for Comprehensive Addiction and Recovery Act Programs, including \$45 million for Residential Substance Abuse Treatment, \$35 million for prescription drug monitoring, \$45 million for the Mentally Ill Offender Act, and \$200 million for the Comprehensive Opioid, Stimulant, and Substance Use Disorder Program.

The Committee's funding bill for the Health and Human Services Department funds the Substance Use and Mental Health Administration with \$9.1 billion, an increase of \$2.6 billion above the enacted level for FY22.

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

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

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

Title

Medicaid Reentry Act of 2021

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

Introduction Date: 2021-02-08

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

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

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

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

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

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

Title

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

Introduction Date: 2021-12-16

Primary Sponsors

Karen Bass

Bill Number

S 285

Last Action

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

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

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

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

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

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**

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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