

106TH CONGRESS  
1ST SESSION

# H. R. 1349

To amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. SALMON (for himself, Mr. SHOWS, Mr. SMITH of New Jersey, Mr. MARTINEZ, Mr. COBURN, Mr. TAYLOR of Mississippi, Mr. SCHAFER, Mr. HAYWORTH, Mr. NETHERCUTT, Mr. ENGLISH, Mr. GILMAN, Mr. COOK, Mr. BARTON of Texas, Mr. FOLEY, and Mr. CASTLE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Prisoner  
5       Health Care Copayment Act of 1999”.

1 **SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL**  
2 **INSTITUTIONS.**

3 (a) IN GENERAL.—Chapter 303 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 4048. Fees for health care services for prisoners**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘account’ means the trust fund  
9 account (or institutional equivalent) of a prisoner;

10 “(2) the term ‘Director’ means the Director of  
11 the Bureau of Prisons;

12 “(3) the term ‘health care provider’ means any  
13 person who is—

14 “(A) authorized by the Director to provide  
15 health care services; and

16 “(B) operating within the scope of such  
17 authorization;

18 “(4) the term ‘health care visit’ means a visit,  
19 as determined by the Director, by a prisoner to an  
20 institutional or noninstitutional health care provider;  
21 and

22 “(5) the term ‘prisoner’ means—

23 “(A) any individual who is incarcerated in  
24 an institution under the jurisdiction of the Bu-  
25 reau of Prisons; or

1           “(B) any other individual, as designated by  
2           the Director, who has been charged with or con-  
3           victed of an offense against the United States.

4           “(b) FEES FOR HEALTH CARE SERVICES.—

5           “(1) IN GENERAL.—The Director, in accord-  
6           ance with this section and with such regulations as  
7           the Director shall promulgate to carry out this sec-  
8           tion, may assess and collect a fee for health care  
9           services provided in connection with each health care  
10          visit requested by a prisoner.

11          “(2) EXCLUSION.—The Director may not as-  
12          sess or collect a fee under this section for preventa-  
13          tive health care services, as determined by the Direc-  
14          tor.

15          “(c) PERSONS SUBJECT TO FEE.—Each fee assessed  
16          under this section shall be collected by the Director from  
17          the account of—

18               “(1) the prisoner receiving health care services  
19               in connection with a health care visit described in  
20               subsection (b)(1); or

21               “(2) in the case of health care services provided  
22               in connection with a health care visit described in  
23               subsection (b)(1) that results from an injury in-  
24               flicted on a prisoner by another prisoner, the pris-

1        oner who inflicted the injury, as determined by the  
2        Director.

3        “(d) AMOUNT OF FEE.—Any fee assessed and col-  
4        lected under this section shall be in an amount of not less  
5        than \$2.

6        “(e) NO CONSENT REQUIRED.—Notwithstanding any  
7        other provision of law, the consent of a prisoner shall not  
8        be required for the collection of a fee from the account  
9        of the prisoner under this section.

10       “(f) NO REFUSAL OF TREATMENT FOR FINANCIAL  
11       REASONS.—Nothing in this section may be construed to  
12       permit any refusal of treatment to a prisoner on the basis  
13       that—

14                “(1) the account of the prisoner is insolvent; or

15                “(2) the prisoner is otherwise unable to pay a  
16       fee assessed under this section.

17        “(g) USE OF AMOUNTS.—

18                “(1) RESTITUTION OF SPECIFIC VICTIMS.—  
19       Amounts collected by the Director under this section  
20       from a prisoner subject to an order of restitution  
21       issued pursuant to section 3663 or 3663A shall be  
22       paid to victims in accordance with the order of res-  
23       titution.

24                “(2) ALLOCATION OF OTHER AMOUNTS.—Of  
25       amounts collected by the Director under this section

1 from prisoners not subject to an order of restitution  
2 issued pursuant to section 3663 or 3663A—

3 “(A) 75 percent shall be deposited in the  
4 Crime Victims Fund established under section  
5 1402 of the Victims of Crime Act of 1984 (42  
6 U.S.C. 10601); and

7 “(B) 25 percent shall be available to the  
8 Attorney General for administrative expenses  
9 incurred in carrying out this section.

10 “(h) REPORTS TO CONGRESS.—Not later than 2  
11 years after the date of enactment of the Federal Prisoner  
12 Copayment Act of 1999, and annually thereafter, the Di-  
13 rector shall transmit to Congress a report, which shall  
14 include—

15 “(1) a description of the amounts collected  
16 under this section during the preceding 12-month  
17 period (or 24-month period in the case of the initial  
18 report); and

19 “(2) an analysis of the effects of the implemen-  
20 tation of this section, if any, on the nature and ex-  
21 tent of health care visits by prisoners.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-  
23 ter 303 of title 18, United States Code, is amended by  
24 adding at the end the following:

“4048. Fees for health care services for prisoners.”.

1 **SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN**  
2 **NON-FEDERAL INSTITUTIONS.**

3 Section 4013 of title 18, United States Code, is  
4 amended by adding at the end the following:

5 “(c) HEALTH CARE FEES FOR FEDERAL PRISONERS  
6 IN NON-FEDERAL INSTITUTIONS.—Notwithstanding  
7 amounts paid under subsection (a)(3), a State or local  
8 government may assess and collect a reasonable fee from  
9 the trust fund account (or institutional equivalent) of a  
10 Federal prisoner for health care services, if—

11 “(1) the prisoner—

12 “(A) is confined in a non-Federal institu-  
13 tion pursuant to an agreement between the  
14 Federal Government and the State or local gov-  
15 ernment; and

16 “(B) is not indigent;

17 “(2) the fee—

18 “(A) is authorized under State law; and

19 “(B) does not exceed the amount collected  
20 from State or local prisoners for the same serv-  
21 ices; and

22 “(3) the services—

23 “(A) are provided within or outside of the  
24 institution by a person who is licensed or cer-  
25 tified under State law to provide health care

1 services and who is operating within the scope  
2 of such license;

3 “(B) are provided at the request of the  
4 prisoner; and

5 “(C) are not preventative health care serv-  
6 ices.”.

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