

Calendar No. 731

115TH CONGRESS
2D SESSION

S. 3747

To provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2018

Mr. GRASSLEY (for himself and Mr. DURBIN) introduced the following bill;
which was read the first time

DECEMBER 13, 2018

Read the second time and placed on the calendar

A BILL

To provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “First Step Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM REDUCTION

- Sec. 101. Risk and needs assessment system.
- Sec. 102. Implementation of system and recommendations by Bureau of Prisons.
- Sec. 103. GAO report.
- Sec. 104. Authorization of appropriations.
- Sec. 105. Rule of construction.
- Sec. 106. Faith-based considerations.
- Sec. 107. Independent Review Committee.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

- Sec. 201. Short title.
- Sec. 202. Secure firearms storage.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

- Sec. 301. Use of restraints on prisoners during the period of pregnancy and postpartum recovery prohibited.

TITLE IV—SENTENCING REFORM

- Sec. 401. Reduce and restrict enhanced sentencing for prior drug felonies.
- Sec. 402. Broadening of existing safety valve.
- Sec. 403. Clarification of section 924(c) of title 18, United States Code.
- Sec. 404. Application of Fair Sentencing Act.

TITLE V—SECOND CHANCE ACT OF 2007 REAUTHORIZATION

- Sec. 501. Short title.
- Sec. 502. Improvements to existing programs.
- Sec. 503. Audit and accountability of grantees.
- Sec. 504. Federal reentry improvements.
- Sec. 505. Federal interagency reentry coordination.
- Sec. 506. Conference expenditures.
- Sec. 507. Evaluation of the Second Chance Act program.
- Sec. 508. GAO review.

TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

- Sec. 601. Placement of prisoners close to families.
- Sec. 602. Home confinement for low-risk prisoners.
- Sec. 603. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.
- Sec. 604. Identification for returning citizens.
- Sec. 605. Expanding inmate employment through Federal Prison Industries.
- Sec. 606. De-escalation training.
- Sec. 607. Evidence-Based treatment for opioid and heroin abuse.
- Sec. 608. Pilot programs.
- Sec. 609. Ensuring supervision of released sexually dangerous persons.
- Sec. 610. Data collection.
- Sec. 611. Healthcare products.
- Sec. 612. Adult and juvenile collaboration programs.
- Sec. 613. Juvenile solitary confinement.

TITLE I—RECIDIVISM REDUCTION

SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Chapter 229 of title 18, United States Code, is amended by inserting after subchapter C the following:

“SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

“Sec.

“3631. Duties of the Attorney General.

“3632. Development of risk and needs assessment system.

“3633. Evidence-based recidivism reduction program and recommendations.

“3634. Report.

“3635. Definitions.

“§ 3631. Duties of the Attorney General

“(a) IN GENERAL.—The Attorney General shall carry out this subchapter in consultation with—

“(1) the Director of the Bureau of Prisons;

“(2) the Director of the Administrative Office of the United States Courts;

“(3) the Director of the Office of Probation and Pretrial Services;

“(4) the Director of the National Institute of Justice;

“(5) the Director of the National Institute of Corrections; and

“(6) the Independent Review Committee authorized by the First Step Act of 2018

1 “(b) DUTIES.—The Attorney General shall—

2 “(1) conduct a review of the existing prisoner
3 risk and needs assessment systems in operation on
4 the date of enactment of this subchapter;

5 “(2) develop recommendations regarding evi-
6 dence-based recidivism reduction programs and pro-
7 ductive activities in accordance with section 3633;

8 “(3) conduct ongoing research and data anal-
9 ysis on—

10 “(A) evidence-based recidivism reduction
11 programs relating to the use of prisoner risk
12 and needs assessment tools;

13 “(B) the most effective and efficient uses
14 of such programs;

15 “(C) which evidence-based recidivism re-
16 duction programs are the most effective at re-
17 ducing recidivism, and the type, amount, and
18 intensity of programming that most effectively
19 reduces the risk of recidivism; and

20 “(D) products purchased by Federal agen-
21 cies that are manufactured overseas and could
22 be manufactured by prisoners participating in a
23 prison work program without reducing job op-
24 portunities for other workers in the United
25 States;

1 “(4) on an annual basis, review, validate, and
2 release publicly on the Department of Justice
3 website the risk and needs assessment system, which
4 review shall include—

5 “(A) any subsequent changes to the risk
6 and needs assessment system made after the
7 date of enactment of this subchapter;

8 “(B) the recommendations developed under
9 paragraph (2), using the research conducted
10 under paragraph (3);

11 “(C) an evaluation to ensure that the risk
12 and needs assessment system bases the assess-
13 ment of each prisoner’s risk of recidivism on in-
14 dicators of progress and of regression that are
15 dynamic and that can reasonably be expected to
16 change while in prison;

17 “(D) statistical validation of any tools that
18 the risk and needs assessment system uses; and

19 “(E) an evaluation of the rates of recidi-
20 vism among similarly classified prisoners to
21 identify any unwarranted disparities, including
22 disparities among similarly classified prisoners
23 of different demographic groups, in such rates;

24 “(5) make any revisions or updates to the risk
25 and needs assessment system that the Attorney Gen-

1 eral determines appropriate pursuant to the review
 2 under paragraph (4), including updates to ensure
 3 that any disparities identified in paragraph (4)(E)
 4 are reduced to the greatest extent possible; and

5 “(6) report to Congress in accordance with sec-
 6 tion 3634.

7 **“§ 3632. Development of risk and needs assessment**
 8 **system**

9 “(a) IN GENERAL.—Not later than 210 days after
 10 the date of enactment of this subchapter, the Attorney
 11 General, in consultation with the Independent Review
 12 Committee authorized by the First Step Act of 2018, shall
 13 develop and release publicly on the Department of Justice
 14 website a risk and needs assessment system (referred to
 15 in this subchapter as the ‘System’), which shall be used
 16 to—

17 “(1) determine the recidivism risk of each pris-
 18 oner as part of the intake process, and classify each
 19 prisoner as having minimum, low, medium, or high
 20 risk for recidivism;

21 “(2) assess and determine, to the extent prac-
 22 ticable, the risk of violent or serious misconduct of
 23 each prisoner;

24 “(3) determine the type and amount of evi-
 25 dence-based recidivism reduction programming that

1 is appropriate for each prisoner and assign each
2 prisoner to such programming accordingly, and
3 based on the prisoner's specific criminogenic needs,
4 and in accordance with subsection (b);

5 “(4) reassess the recidivism risk of each pris-
6 oner periodically, based on factors including indica-
7 tors of progress, and of regression, that are dynamic
8 and that can reasonably be expected to change while
9 in prison;

10 “(5) reassign the prisoner to appropriate evi-
11 dence-based recidivism reduction programs or pro-
12 ductive activities based on the revised determination
13 to ensure that—

14 “(A) all prisoners at each risk level have a
15 meaningful opportunity to reduce their classi-
16 fication during the period of incarceration;

17 “(B) to address the specific criminogenic
18 needs of the prisoner; and

19 “(C) all prisoners are able to successfully
20 participate in such programs;

21 “(6) determine when to provide incentives and
22 rewards for successful participation in evidence-
23 based recidivism reduction programs or productive
24 activities in accordance with subsection (e);

1 “(7) determine when a prisoner is ready to
 2 transfer into prerelease custody or supervised release
 3 in accordance with section 3624; and

4 “(8) determine the appropriate use of audio
 5 technology for program course materials with an un-
 6 derstanding of dyslexia.

7 In carrying out this subsection, the Attorney General may
 8 use existing risk and needs assessment tools, as appro-
 9 priate.

10 “(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM
 11 REDUCTION PROGRAMS.—The System shall provide guid-
 12 ance on the type, amount, and intensity of evidence-based
 13 recidivism reduction programming and productive activi-
 14 ties that shall be assigned for each prisoner, including—

15 “(1) programs in which the Bureau of Prisons
 16 shall assign the prisoner to participate, according to
 17 the prisoner’s specific criminogenic needs; and

18 “(2) information on the best ways that the Bu-
 19 reau of Prisons can tailor the programs to the spe-
 20 cific criminogenic needs of each prisoner so as to
 21 most effectively lower each prisoner’s risk of recidi-
 22 vism.

23 “(c) HOUSING AND ASSIGNMENT DECISIONS.—The
 24 System shall provide guidance on program grouping and
 25 housing assignment determinations and, after accounting

1 for the safety of each prisoner and other individuals at
 2 the prison, provide that prisoners with a similar risk level
 3 be grouped together in housing and assignment decisions
 4 to the extent practicable.

5 “(d) EVIDENCE-BASED RECIDIVISM REDUCTION
 6 PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES RE-
 7 WARDS.—The System shall provide incentives and rewards
 8 for prisoners to participate in and complete evidence-based
 9 recidivism reduction programs as follows:

10 “(1) PHONE AND VISITATION PRIVILEGES.—A
 11 prisoner who is successfully participating in an evi-
 12 dence-based recidivism reduction program shall re-
 13 ceive—

14 “(A) phone privileges, or, if available, video
 15 conferencing privileges, for up to 30 minutes
 16 per day, and up to 510 minutes per month; and

17 “(B) additional time for visitation at the
 18 prison, as determined by the warden of the pris-
 19 on.

20 “(2) TRANSFER TO INSTITUTION CLOSER TO
 21 RELEASE RESIDENCE.—A prisoner who is success-
 22 fully participating in an evidence-based recidivism
 23 reduction program shall be considered by the Bu-
 24 reau of Prisons for placement in a facility closer to

1 the prisoner's release residence upon request from
2 the prisoner and subject to—

3 “(A) bed availability at the transfer facil-
4 ity;

5 “(B) the prisoner's security designation;
6 and

7 “(C) the recommendation from the warden
8 of the prison at which the prisoner is incarcer-
9 ated at the time of making the request.

10 “(3) ADDITIONAL POLICIES.—The Director of
11 the Bureau of Prisons shall develop additional poli-
12 cies to provide appropriate incentives for successful
13 participation and completion of evidence-based re-
14 cidivism reduction programming. The incentives
15 shall include not less than 2 of the following:

16 “(A) Increased commissary spending limits
17 and product offerings.

18 “(B) Extended opportunities to access the
19 email system.

20 “(C) Consideration of transfer to preferred
21 housing units (including transfer to different
22 prison facilities).

23 “(D) Other incentives solicited from pris-
24 oners and determined appropriate by the Direc-
25 tor.

1 “(4) TIME CREDITS.—

2 “(A) IN GENERAL.—A prisoner, except for
3 an ineligible prisoner under subparagraph (D),
4 who successfully completes evidence-based re-
5 cidivism reduction programming or productive
6 activities, shall earn time credits as follows:

7 “(i) A prisoner shall earn 10 days of
8 time credits for every 30 days of successful
9 participation in evidence-based recidivism
10 reduction programming or productive ac-
11 tivities.

12 “(ii) A prisoner determined by the
13 Bureau of Prisons to be at a minimum or
14 low risk for recidivating, who, over 2 con-
15 secutive assessments, has not increased
16 their risk of recidivism, shall earn an addi-
17 tional 5 days of time credits for every 30
18 days of successful participation in evi-
19 dence-based recidivism reduction program-
20 ming or productive activities.

21 “(B) AVAILABILITY.—A prisoner may not
22 earn time credits under this paragraph for an
23 evidence-based recidivism reduction program
24 that the prisoner successfully completed—

1 “(i) prior to the date of enactment of
2 this subchapter; or

3 “(ii) during official detention prior to
4 the date that the prisoner’s sentence com-
5 mences under section 3585(a).

6 “(C) APPLICATION OF TIME CREDITS TO-
7 WARD PRERELEASE CUSTODY OR SUPERVISED
8 RELEASE.—Time credits earned under this
9 paragraph by prisoners who successfully partici-
10 pate in recidivism reduction programs or pro-
11 ductive activities shall be applied toward time in
12 prerelease custody or supervised release. The
13 Director of the Bureau of Prisons shall transfer
14 eligible prisoners, as determined under section
15 3624(g), into prerelease custody or supervised
16 release.

17 “(D) INELIGIBLE PRISONERS.—A prisoner
18 is ineligible to receive time credits under this
19 paragraph if the prisoner is serving a sentence
20 for a conviction under any of the following pro-
21 visions of law:

22 “(i) Section 81, relating to arson
23 within special maritime and territorial ju-
24 risdiction.

1 “(ii) Section 111(b), relating to as-
2 saulting, resisting, or impeding certain of-
3 ficers or employees using a deadly or dan-
4 gerous weapon or inflicting bodily injury.

5 “(iii) Paragraph (1), (7), or (8) of
6 section 113(a), relating to assault with in-
7 tent to commit murder, assault resulting in
8 substantial bodily injury to a spouse or in-
9 timate partner, a dating partner, or an in-
10 dividual who has not attained the age of
11 16 years, or assault of a spouse, intimate
12 partner, or dating partner by strangling,
13 suffocating, or attempting to strangle or
14 suffocate.

15 “(iv) Section 115, relating to influ-
16 encing, impeding, or retaliating against a
17 Federal official by injuring a family mem-
18 ber, except for a threat made in violation
19 of that section.

20 “(v) Section 116, relating to female
21 genital mutilation.

22 “(vi) Section 117, relating to domestic
23 assault by a habitual offender.

24 “(vii) Any section of chapter 10, relat-
25 ing to biological weapons.

1 “(viii) Any section of chapter 11B, re-
2 lating to chemical weapons.

3 “(ix) Section 351, relating to Con-
4 gressional, Cabinet, and Supreme Court
5 assassination, kidnapping, and assault.

6 “(x) Section 521, relating to criminal
7 street gangs.

8 “(xi) Section 751, relating to pris-
9 oners in custody of an institution or offi-
10 cer.

11 “(xii) Section 793, relating to gath-
12 ering, transmitting, or losing defense infor-
13 mation.

14 “(xiii) Section 794, relating to gath-
15 ering or delivering defense information to
16 aid a foreign government.

17 “(xiv) Any section of chapter 39, re-
18 lating to explosives and other dangerous
19 articles, except for section 836 (relating to
20 the transportation of fireworks into a State
21 prohibiting sale or use).

22 “(xv) Section 842(p), relating to dis-
23 tribution of information relating to explo-
24 sives, destructive devices, and weapons of
25 mass destruction, but only if the conviction

involved a weapon of mass destruction (as defined in section 2332a(c)).

“(xvi) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

“(xvii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

“(xviii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

“(xix) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

“(xx) Any section of chapter 55, relating to kidnapping.

1 “(xxi) Any offense under chapter 77,
2 relating to peonage, slavery, and traf-
3 ficking in persons, except for sections 1593
4 through 1596.

5 “(xxii) Section 1751, relating to Pres-
6 idential and Presidential staff assassina-
7 tion, kidnapping, and assault.

8 “(xxiii) Section 1791, relating to pro-
9 viding or possessing contraband in prison.

10 “(xxiv) Section 1792, relating to mu-
11 tiny and riots.

12 “(xxv) Section 1841(a)(2)(C), relating
13 to intentionally killing or attempting to kill
14 an unborn child.

15 “(xxvi) Section 1992, relating to ter-
16 rorist attacks and other violence against
17 railroad carriers and against mass trans-
18 portation systems on land, on water, or
19 through the air.

20 “(xxvii) Section 2113(e), relating to
21 bank robbery resulting in death.

22 “(xxviii) Section 2118(c), relating to
23 robberies and burglaries involving con-
24 trolled substances resulting in assault, put-
25 ting in jeopardy the life of any person by

1 the use of a dangerous weapon or device,
2 or death.

3 “(xxix) Paragraph (2) or (3) of sec-
4 tion 2119, relating to taking a motor vehi-
5 cle (commonly referred to as ‘carjacking’)
6 that results in serious bodily injury or
7 death.

8 “(xxx) Any section of chapter 105, re-
9 lating to sabotage, except for section 2152.

10 “(xxxi) Any section of chapter 109A,
11 relating to sexual abuse.

12 “(xxxii) Section 2250, relating to fail-
13 ure to register as a sex offender.

14 “(xxxiii) Section 2251, relating to the
15 sexual exploitation of children.

16 “(xxxiv) Section 2251A, relating to
17 the selling or buying of children.

18 “(xxxv) Section 2252, relating to cer-
19 tain activities relating to material involving
20 the sexual exploitation of minors.

21 “(xxxvi) Section 2252A, relating to
22 certain activities involving material consti-
23 tuting or containing child pornography.

24 “(xxxvii) Section 2260, relating to the
25 production of sexually explicit depictions of

1 a minor for importation into the United
2 States.

3 “(xxxviii) Section 2283, relating to
4 the transportation of explosive, biological,
5 chemical, or radioactive or nuclear mate-
6 rials.

7 “(xxxix) Section 2284, relating to the
8 transportation of terrorists.

9 “(xl) Section 2291, relating to the de-
10 struction of a vessel or maritime facility,
11 but only if the conduct that led to the con-
12 viction involved a substantial risk of death
13 or serious bodily injury.

14 “(xli) Any section of chapter 113B,
15 relating to terrorism.

16 “(xlii) Section 2340A, relating to tor-
17 ture.

18 “(xliii) Section 2381, relating to trea-
19 son.

20 “(xliv) Section 2442, relating to the
21 recruitment or use of child soldiers.

22 “(xlv) An offense described in section
23 3559(c)(2)(F), for which the offender was
24 sentenced to a term of imprisonment of
25 more than 1 year, if the offender has a

1 previous conviction, for which the offender
2 served a term of imprisonment of more
3 than 1 year, for a Federal or State offense,
4 by whatever designation and wherever com-
5 mitted, consisting of murder (as described
6 in section 1111), voluntary manslaughter
7 (as described in section 1112), assault with
8 intent to commit murder (as described in
9 section 113(a)), aggravated sexual abuse
10 and sexual abuse (as described in sections
11 2241 and 2242), abusive sexual contact
12 (as described in sections 2244(a)(1) and
13 (a)(2)), kidnapping (as described in chap-
14 ter 55), carjacking (as described in section
15 2119), arson (as described in section
16 844(f)(3), (h), or (i)), or terrorism (as de-
17 scribed in chapter 113B).

18 “(xlvi) Section 57(b) of the Atomic
19 Energy Act of 1954 (42 U.S.C. 2077(b)),
20 relating to the engagement or participation
21 in the development or production of special
22 nuclear material.

23 “(xlvii) Section 92 of the Atomic En-
24 ergy Act of 1954 (42 U.S.C. 2122), relat-

1 ing to prohibitions governing atomic weap-
2 ons.

3 “(xlviii) Section 101 of the Atomic
4 Energy Act of 1954 (42 U.S.C. 2131), re-
5 lating to the atomic energy license require-
6 ment.

7 “(xlix) Section 224 or 225 of the
8 Atomic Energy Act of 1954 (42 U.S.C.
9 2274, 2275), relating to the communica-
10 tion or receipt of restricted data.

11 “(l) Section 236 of the Atomic Energy
12 Act of 1954 (42 U.S.C. 2284), relating to
13 the sabotage of nuclear facilities or fuel.

14 “(li) Section 60123(b) of title 49, re-
15 lating to damaging or destroying a pipeline
16 facility, but only if the conduct which led
17 to the conviction involved a substantial risk
18 of death or serious bodily injury.

19 “(lii) Section 401(a) of the Controlled
20 Substances Act (21 U.S.C. 841), relating
21 to manufacturing or distributing a con-
22 trolled substance in the case of a convic-
23 tion for an offense described in subpara-
24 graph (A), (B), or (C) of subsection (b)(1)
25 of that section for which death or serious

1 bodily injury resulted from the use of such
2 substance.

3 “(liii) Section 276(a) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1326),
5 relating to the reentry of a removed alien,
6 but only if the alien is described in para-
7 graph (1) or (2) of subsection (b) of that
8 section.

9 “(liv) Section 277 of the Immigration
10 and Nationality Act (8 U.S.C. 1327), re-
11 lating to aiding or assisting certain aliens
12 to enter the United States.

13 “(lv) Section 278 of the Immigration
14 and Nationality Act (8 U.S.C. 1328), re-
15 lating to the importation of an alien into
16 the United States for an immoral purpose.

17 “(lvi) Any section of the Export Ad-
18 ministration Act of 1979 (50 U.S.C. 4611
19 et seq.)

20 “(lvii) Section 206 of the Inter-
21 national Emergency Economic Powers Act
22 (50 U.S.C. 1705).

23 “(lviii) Section 601 of the National
24 Security Act of 1947 (50 U.S.C. 3121), re-
25 lating to the protection of identities of cer-

1 tain United States undercover intelligence
2 officers, agents, informants, and sources.

3 “(lix) Subparagraph (A)(i) or (B)(i)
4 of section 401(b)(1) of the Controlled Sub-
5 stances Act (21 U.S.C. 841(b)(1)) or para-
6 graph (1)(A) or (2)(A) of section 1010(b)
7 of the Controlled Substances Import and
8 Export Act (21 U.S.C. 960(b)), relating to
9 manufacturing, distributing, dispensing, or
10 possessing with intent to manufacture, dis-
11 tribute, dispense, or knowingly importing
12 or exporting, a mixture or substance con-
13 taining a detectable amount of heroin if
14 the sentencing court finds that the of-
15 fender was an organizer, leader, manager,
16 or supervisor of others in the offense, as
17 determined under the guidelines promul-
18 gated by the United States Sentencing
19 Commission.

20 “(lx) Subparagraph (A)(vi) or (B)(vi)
21 of section 401(b)(1) of the Controlled Sub-
22 stances Act (21 U.S.C. 841(b)(1)) or para-
23 graph (1)(F) or (2)(F) of section 1010(b)
24 of the Controlled Substances Import and
25 Export Act (21 U.S.C. 960(b)), relating to

1 manufacturing, distributing, dispensing, or
2 possessing with intent to manufacture, dis-
3 tribute, or dispense, a mixture or sub-
4 stance containing a detectable amount of
5 N-phenyl-N-[1-(2-phenylethyl)-4-
6 piperidiny] propanamide, or any analogue
7 thereof.

8 “(lxi) Subparagraph (A)(viii) or
9 (B)(viii) of section 401(b)(1) of the Con-
10 trolled Substances Act (21 U.S.C.
11 841(b)(1)) or paragraph (1)(H) or (2)(H)
12 of section 1010(b) the Controlled Sub-
13 stances Import and Export Act (21 U.S.C.
14 960(b)), relating to manufacturing, distrib-
15 uting, dispensing, or possessing with intent
16 to manufacture, distribute, or dispense, or
17 knowingly importing or exporting, a mix-
18 ture of substance containing a detectable
19 amount of methamphetamine, its salts, iso-
20 mers, or salts of its isomers, if the sen-
21 tencing court finds that the offender was
22 an organizer, leader, manager, or super-
23 visor of others in the offense, as deter-
24 mined under the guidelines promulgated by
25 the United States Sentencing Commission.

1 “(lii) Subparagraph (A) or (B) of sec-
2 tion 401(b)(1) of the Controlled Sub-
3 stances Act (21 U.S.C. 841(b)(1)) or para-
4 graph (1) or (2) of section 1010(b) of the
5 Controlled Substances Import and Export
6 Act (21 U.S.C. 960(b)), relating to manu-
7 facturing, distributing, dispensing, or pos-
8 sessing with intent to manufacture, dis-
9 tribute, or dispense, a controlled substance,
10 or knowingly importing or exporting a con-
11 trolled substance, if the sentencing court
12 finds that—

13 “(I) the offense involved a mix-
14 ture or substance containing a detect-
15 able amount of N-phenyl-N-[1-(2-
16 phenylethyl)-4-piperidinyl]
17 propanamide, or any analogue thereof;
18 and

19 “(II) the offender was an orga-
20 nizer, leader, manager, or supervisor
21 of others in the offense, as determined
22 under the guidelines promulgated by
23 the United States Sentencing Com-
24 mission.

1 “(E) DEPORTABLE PRISONERS INELIGIBLE
2 TO APPLY TIME CREDITS.—

3 “(i) IN GENERAL.—A prisoner is ineli-
4 gible to apply time credits under subpara-
5 graph (C) if the prisoner is the subject of
6 a final order of removal under any provi-
7 sion of the immigration laws (as such term
8 is defined in section 101(a)(17) of the Im-
9 migration and Nationality Act (8 U.S.C.
10 1101(a)(17))).

11 “(ii) PROCEEDINGS.—The Attorney
12 General, in consultation with the Secretary
13 of Homeland Security, shall ensure that
14 any alien described in section 212 or 237
15 of the Immigration and Nationality Act (8
16 U.S.C. 1182, 1227) who seeks to earn time
17 credits are subject to proceedings described
18 in section 238(a) of that Act (8 U.S.C.
19 1228(a)) at a date as early as practicable
20 during the prisoner’s incarceration.

21 “(5) RISK REASSESSMENTS AND LEVEL AD-
22 JUSTMENT.—A prisoner who successfully partici-
23 pates in evidence-based recidivism reduction pro-
24 gramming or productive activities shall receive peri-
25 odic risk reassessments not less often than annually,

1 and a prisoner determined to be at a medium or
2 high risk of recidivating and who has less than 5
3 years until his or her projected release date shall re-
4 ceive more frequent risk reassessments. If the reas-
5 sessment shows that the prisoner’s risk of
6 recidivating or specific needs have changed, the Bu-
7 reau of Prisons shall update the determination of
8 the prisoner’s risk of recidivating or information re-
9 garding the prisoner’s specific needs and reassign
10 the prisoner to appropriate evidence-based recidivism
11 reduction programming or productive activities
12 based on such changes.

13 “(6) RELATION TO OTHER INCENTIVE PRO-
14 GRAMS.—The incentives described in this subsection
15 shall be in addition to any other rewards or incen-
16 tives for which a prisoner may be eligible.

17 “(e) PENALTIES.—The Director of the Bureau of
18 Prisons shall develop guidelines for the reduction of re-
19 wards and incentives earned under subsection (d) for pris-
20 oners who violate prison rules or evidence-based recidivism
21 reduction program or productive activity rules, which shall
22 provide—

23 “(1) general levels of violations and resulting
24 reductions;

1 “(2) that any reduction that includes the loss of
2 time credits shall require written notice to the pris-
3 oner, shall be limited to time credits that a prisoner
4 earned as of the date of the prisoner’s rule violation,
5 and shall not include any future time credits that
6 the prisoner may earn; and

7 “(3) for a procedure to restore time credits that
8 a prisoner lost as a result of a rule violation, based
9 on the prisoner’s individual progress after the date
10 of the rule violation.

11 “(f) BUREAU OF PRISONS TRAINING.—The Attorney
12 General shall develop and implement training programs
13 for Bureau of Prisons officers and employees responsible
14 for administering the System, which shall include—

15 “(1) initial training to educate officers and em-
16 ployees on how to use the System in an appropriate
17 and consistent manner, as well as the reasons for
18 using the System;

19 “(2) continuing education;

20 “(3) periodic training updates; and

21 “(4) a requirement that such officers and em-
22 ployees demonstrate competence in administering
23 the System, including interrater reliability, on a bi-
24 annual basis.

1 “(g) QUALITY ASSURANCE.—In order to ensure that
 2 the Bureau of Prisons is using the System in an appro-
 3 priate and consistent manner, the Attorney General shall
 4 monitor and assess the use of the System, which shall in-
 5 clude conducting annual audits of the Bureau of Prisons
 6 regarding the use of the System.

7 “(h) DYSLEXIA SCREENING.—

8 “(1) SCREENING.—The Attorney General shall
 9 incorporate a dyslexia screening program into the
 10 System, including by screening for dyslexia during—

11 “(A) the intake process; and

12 “(B) each periodic risk reassessment of a
 13 prisoner.

14 “(2) TREATMENT.—The Attorney General shall
 15 incorporate programs designed to treat dyslexia into
 16 the evidence-based recidivism reduction programs or
 17 productive activities required to be implemented
 18 under this section. The Attorney General may also
 19 incorporate programs designed to treat other learn-
 20 ing disabilities.

21 **“§ 3633. Evidence-based recidivism reduction pro-**
 22 **gram and recommendations**

23 “(a) IN GENERAL.—Prior to releasing the System,
 24 in consultation with the Independent Review Committee

1 authorized by the First Step Act of 2018, the Attorney
2 General shall—

3 “(1) review the effectiveness of evidence-based
4 recidivism reduction programs that exist as of the
5 date of enactment of this subchapter in prisons oper-
6 ated by the Bureau of Prisons;

7 “(2) review available information regarding the
8 effectiveness of evidence-based recidivism reduction
9 programs and productive activities that exist in
10 State-operated prisons throughout the United
11 States;

12 “(3) identify the most effective evidence-based
13 recidivism reduction programs;

14 “(4) review the policies for entering into evi-
15 dence-based recidivism reduction partnerships de-
16 scribed in section 3621(h)(5); and

17 “(5) direct the Bureau of Prisons regarding—

18 “(A) evidence-based recidivism reduction
19 programs;

20 “(B) the ability for faith-based organiza-
21 tions to function as a provider of educational
22 evidence-based programs outside of the religious
23 classes and services provided through the Chap-
24 laincy; and

1 “(C) the addition of any new effective evi-
 2 dence-based recidivism reduction programs that
 3 the Attorney General finds.

4 “(b) REVIEW AND RECOMMENDATIONS REGARDING
 5 DYSLEXIA MITIGATION.—In carrying out subsection (a),
 6 the Attorney General shall consider the prevalence and
 7 mitigation of dyslexia in prisons, including by—

8 “(1) reviewing statistics on the prevalence of
 9 dyslexia, and the effectiveness of any programs im-
 10 plemented to mitigate the effects of dyslexia, in pris-
 11 ons operated by the Bureau of Prisons and State-op-
 12 erated prisons throughout the United States; and

13 “(2) incorporating the findings of the Attorney
 14 General under paragraph (1) of this subsection into
 15 any directives given to the Bureau of Prisons under
 16 paragraph (5) of subsection (a).

17 **“§ 3634. Report**

18 “Beginning on the date that is 2 years after the date
 19 of enactment of this subchapter, and annually thereafter
 20 for a period of 5 years, the Attorney General shall submit
 21 a report to the Committees on the Judiciary of the Senate
 22 and the House of Representatives and the Subcommittees
 23 on Commerce, Justice, Science, and Related Agencies of
 24 the Committees on Appropriations of the Senate and the
 25 House of Representatives that contains the following:

1 “(1) A summary of the activities and accom-
2 plishments of the Attorney General in carrying out
3 this Act.

4 “(2) A summary and assessment of the types
5 and effectiveness of the evidence-based recidivism re-
6 duction programs and productive activities in prisons
7 operated by the Bureau of Prisons, including—

8 “(A) evidence about which programs have
9 been shown to reduce recidivism;

10 “(B) the capacity of each program and ac-
11 tivity at each prison, including the number of
12 prisoners along with the recidivism risk of each
13 prisoner enrolled in each program; and

14 “(C) identification of any gaps or short-
15 ages in capacity of such programs and activi-
16 ties.

17 “(3) Rates of recidivism among individuals who
18 have been released from Federal prison, based on
19 the following criteria:

20 “(A) The primary offense of conviction.

21 “(B) The length of the sentence imposed
22 and served.

23 “(C) The Bureau of Prisons facility or fa-
24 cilities in which the prisoner’s sentence was
25 served.

1 “(D) The evidence-based recidivism reduc-
2 tion programming that the prisoner successfully
3 completed, if any.

4 “(E) The prisoner’s assessed and reas-
5 sessed risk of recidivism.

6 “(F) The productive activities that the
7 prisoner successfully completed, if any.

8 “(4) The status of prison work programs at fa-
9 cilities operated by the Bureau of Prisons, includ-
10 ing—

11 “(A) a strategy to expand the availability
12 of such programs without reducing job opportu-
13 nities for workers in the United States who are
14 not in the custody of the Bureau of Prisons, in-
15 cluding the feasibility of prisoners manufac-
16 turing products purchased by Federal agencies
17 that are manufactured overseas;

18 “(B) an assessment of the feasibility of ex-
19 panding such programs, consistent with the
20 strategy required under subparagraph (A), with
21 the goal that 5 years after the date of enact-
22 ment of this subchapter, not less than 75 per-
23 cent of eligible minimum- and low-risk offenders
24 have the opportunity to participate in a prison

1 work program for not less than 20 hours per
2 week; and

3 “(C) a detailed discussion of legal authori-
4 ties that would be useful or necessary to achieve
5 the goals described in subparagraphs (A) and
6 (B).

7 “(5) An assessment of the Bureau of Prisons’
8 compliance with section 3621(h).

9 “(6) An assessment of progress made toward
10 carrying out the purposes of this subchapter, includ-
11 ing any savings associated with—

12 “(A) the transfer of prisoners into
13 prerelease custody or supervised release under
14 section 3624(g), including savings resulting
15 from the avoidance or deferral of future con-
16 struction, acquisition, and operations costs; and

17 “(B) any decrease in recidivism that may
18 be attributed to the System or the increase in
19 evidence-based recidivism reduction programs
20 required under this subchapter.

21 “(7) An assessment of budgetary savings result-
22 ing from this subchapter, including—

23 “(A) a summary of the amount of savings
24 resulting from the transfer of prisoners into
25 prerelease custody under this chapter, including

1 savings resulting from the avoidance or deferral
2 of future construction, acquisition, or oper-
3 ations costs;

4 “(B) a summary of the amount of savings
5 resulting from any decrease in recidivism that
6 may be attributed to the implementation of the
7 risk and needs assessment system or the in-
8 crease in recidivism reduction programs and
9 productive activities required by this sub-
10 chapter;

11 “(C) a strategy to reinvest the savings de-
12 scribed in subparagraphs (A) and (B) in
13 other—

14 “(i) Federal, State, and local law en-
15 forcement activities; and

16 “(ii) expansions of recidivism reduc-
17 tion programs and productive activities in
18 the Bureau of Prisons; and

19 “(D) a description of how the reduced ex-
20 penditures on Federal corrections and the budg-
21 etary savings resulting from this subchapter are
22 currently being used and will be used to—

23 “(i) increase investment in law en-
24 forcement and crime prevention to combat
25 gangs of national significance and high-

level drug traffickers through the High Intensity Drug Trafficking Areas Program and other task forces;

“(ii) hire, train, and equip law enforcement officers and prosecutors; and

“(iii) promote crime reduction programs using evidence-based practices and strategic planning to help reduce crime and criminal recidivism.

“(8) Statistics on—

“(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

“(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

“§ 3635. Definitions

“In this subchapter the following definitions apply:

“(1) DYSLEXIA.—The term ‘dyslexia’ means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader,

most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

“(2) DYSLEXIA SCREENING PROGRAM.—The term ‘dyslexia screening program’ means a screening program for dyslexia that is—

“(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

“(B) efficient and low-cost; and

“(C) readily available.

“(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term ‘evidence-based recidivism reduction program’ means either a group or individual activity that—

“(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

“(B) is designed to help prisoners succeed in their communities upon release from prison; and

“(C) may include—

1 “(i) social learning and communica-
 2 tion, interpersonal, anti-bullying, rejection
 3 response, and other life skills;

4 “(ii) family relationship building,
 5 structured parent-child interaction, and
 6 parenting skills;

7 “(iii) classes on morals or ethics;

8 “(iv) academic classes;

9 “(v) cognitive behavioral treatment;

10 “(vi) mentoring;

11 “(vii) substance abuse treatment;

12 “(viii) vocational training;

13 “(ix) faith-based classes or services;

14 “(x) civic engagement and reintegra-
 15 tive community services;

16 “(xi) a prison job, including through a
 17 prison work program;

18 “(xii) victim impact classes or other
 19 restorative justice programs; and

20 “(xiii) trauma counseling and trauma-
 21 informed support programs.

22 “(4) PRISONER.—The term ‘prisoner’ means a
 23 person who has been sentenced to a term of impris-
 24 onment pursuant to a conviction for a Federal crimi-

1 nal offense, or a person in the custody of the Bureau
2 of Prisons.

3 “(5) PRODUCTIVE ACTIVITY.—The term ‘pro-
4 ductive activity’ means either a group or individual
5 activity that is designed to allow prisoners deter-
6 mined as having a minimum or low risk of
7 recidivating to remain productive and thereby main-
8 tain a minimum or low risk of recidivating, and may
9 include the delivery of the programs described in
10 paragraph (1) to other prisoners.

11 “(6) RISK AND NEEDS ASSESSMENT TOOL.—
12 The term ‘risk and needs assessment tool’ means an
13 objective and statistically validated method through
14 which information is collected and evaluated to de-
15 termine—

16 “(A) as part of the intake process, the risk
17 that a prisoner will recidivate upon release from
18 prison;

19 “(B) the recidivism reduction programs
20 that will best minimize the risk that the pris-
21 oner will recidivate upon release from prison;
22 and

23 “(C) the periodic reassessment of risk that
24 a prisoner will recidivate upon release from
25 prison, based on factors including indicators of

1 progress and of regression, that are dynamic
 2 and that can reasonably be expected to change
 3 while in prison.”.

4 (b) CLERICAL AMENDMENT.—The table of sub-
 5 chapters for chapter 229 of title 18, United States Code,
 6 is amended by adding at the end the following:

“D. Risk and Needs Assessment 3631”.

7 **SEC. 102. IMPLEMENTATION OF SYSTEM AND REC-**
 8 **OMMENDATIONS BY BUREAU OF PRISONS.**

9 (a) IMPLEMENTATION OF SYSTEM GENERALLY.—
 10 Section 3621 of title 18, United States Code, is amended
 11 by adding at the end the following:

12 “(h) IMPLEMENTATION OF RISK AND NEEDS AS-
 13 SESSMENT SYSTEM.—

14 “(1) IN GENERAL.—Not later than 180 days
 15 after the Attorney General completes and releases
 16 the risk and needs assessment system (referred to in
 17 this subsection as the ‘System’) developed under
 18 subchapter D, the Director of the Bureau of Prisons
 19 shall, in accordance with that subchapter—

20 “(A) implement and complete the initial in-
 21 take risk and needs assessment for each pris-
 22 oner (including for each prisoner who was a
 23 prisoner prior to the effective date of this sub-
 24 section), regardless of the prisoner’s length of
 25 imposed term of imprisonment, and begin to as-

1 sign prisoners to appropriate evidence-based re-
2 civism reduction programs based on that de-
3 termination;

4 “(B) begin to expand the effective evi-
5 dence-based recivism reduction programs and
6 productive activities it offers and add any new
7 evidence-based recivism reduction programs
8 and productive activities necessary to effectively
9 implement the System; and

10 “(C) begin to implement the other risk and
11 needs assessment tools necessary to effectively
12 implement the System over time, while pris-
13 oners are participating in and completing the
14 effective evidence-based recivism reduction
15 programs and productive activities.

16 “(2) PHASE-IN.—In order to carry out para-
17 graph (1), so that every prisoner has the opportunity
18 to participate in and complete the type and amount
19 of evidence-based recivism reduction programs or
20 productive activities they need, and be reassessed for
21 recivism risk as necessary to effectively implement
22 the System, the Bureau of Prisons shall—

23 “(A) provide such evidence-based recidi-
24 vism reduction programs and productive activi-
25 ties for all prisoners before the date that is 2

1 years after the date on which the Bureau of
2 Prisons completes a risk and needs assessment
3 for each prisoner under paragraph (1)(A); and

4 “(B) develop and validate the risk and
5 needs assessment tool to be used in the reas-
6 sessments of risk of recidivism, while prisoners
7 are participating in and completing evidence-
8 based recidivism reduction programs and pro-
9 ductive activities.

10 “(3) PRIORITY DURING PHASE-IN.—During the
11 2-year period described in paragraph (2)(A), the pri-
12 ority for such programs and activities shall be ac-
13 corded based on a prisoner’s proximity to release
14 date.

15 “(4) PRELIMINARY EXPANSION OF EVIDENCE-
16 BASED RECIDIVISM REDUCTION PROGRAMS AND AU-
17 THORITY TO USE INCENTIVES.—Beginning on the
18 date of enactment of this subsection, the Bureau of
19 Prisons may begin to expand any evidence-based re-
20 cidivism reduction programs and productive activi-
21 ties that exist at a prison as of such date, and may
22 offer to prisoners who successfully participate in
23 such programs and activities the incentives and re-
24 wards described in subchapter D.

1 “(5) RECIDIVISM REDUCTION PARTNERSHIPS.—

2 In order to expand evidence-based recidivism reduc-
3 tion programs and productive activities, the Attorney
4 General shall develop policies for the warden of each
5 prison of the Bureau of Prisons to enter into part-
6 nerships, subject to the availability of appropria-
7 tions, with any of the following:

8 “(A) Nonprofit and other private organiza-
9 tions, including faith-based, art, and commu-
10 nity-based organizations that will deliver recidi-
11 vism reduction programming on a paid or vol-
12 unteer basis.

13 “(B) Institutions of higher education (as
14 defined in section 101 of the Higher Education
15 Act of 1965 (20 U.S.C. 1001)) that will deliver
16 instruction on a paid or volunteer basis.

17 “(C) Private entities that will—

18 “(i) deliver vocational training and
19 certifications;

20 “(ii) provide equipment to facilitate
21 vocational training or employment opportu-
22 nities for prisoners;

23 “(iii) employ prisoners; or

1 “(iv) assist prisoners in prerelease
2 custody or supervised release in finding
3 employment.

4 “(D) Industry-sponsored organizations
5 that will deliver workforce development and
6 training, on a paid or volunteer basis.

7 “(6) REQUIREMENT TO PROVIDE PROGRAMS TO
8 ALL PRISONERS; PRIORITY.—The Director of the
9 Bureau of Prisons shall provide all prisoners with
10 the opportunity to actively participate in evidence-
11 based recidivism reduction programs or productive
12 activities, according to their specific criminogenic
13 needs, throughout their entire term of incarceration.
14 Priority for participation in recidivism reduction pro-
15 grams shall be given to medium-risk and high-risk
16 prisoners, with access to productive activities given
17 to minimum-risk and low-risk prisoners.

18 “(7) DEFINITIONS.—The terms in this sub-
19 section have the meaning given those terms in sec-
20 tion 3635.”.

21 (b) PRERELEASE CUSTODY.—

22 (1) IN GENERAL.—Section 3624 of title 18,
23 United States Code, is amended—

24 (A) in subsection (b)(1)—

1 (i) by striking “, beyond the time
 2 served, of up to 54 days at the end of each
 3 year of the prisoner’s term of imprison-
 4 ment, beginning at the end of the first
 5 year of the term,” and inserting “of up to
 6 54 days for each year of the prisoner’s sen-
 7 tence imposed by the court,”; and

8 (ii) by striking “credit for the last
 9 year or portion of a year of the term of im-
 10 prisonment shall be prorated and credited
 11 within the last six weeks of the sentence”
 12 and inserting “credit for the last year of a
 13 term of imprisonment shall be credited on
 14 the first day of the last year of the term
 15 of imprisonment”; and

16 (B) by adding at the end the following:

17 “(g) PRERELEASE CUSTODY OR SUPERVISED RE-
 18 LEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PAR-
 19 TICIPANTS.—

20 “(1) ELIGIBLE PRISONERS.—This subsection
 21 applies in the case of a prisoner (as such term is de-
 22 fined in section 3635) who—

23 “(A) has earned time credits under the
 24 risk and needs assessment system developed
 25 under subchapter D (referred to in this sub-

1 section as the ‘System’) in an amount that is
2 equal to the remainder of the prisoner’s im-
3 posed term of imprisonment;

4 “(B) has shown through the periodic risk
5 reassessments a demonstrated recidivism risk
6 reduction or has maintained a minimum or low
7 recidivism risk, during the prisoner’s term of
8 imprisonment;

9 “(C) has had the remainder of the pris-
10 oner’s imposed term of imprisonment computed
11 under applicable law; and

12 “(D)(i) in the case of a prisoner being
13 placed in prerelease custody, the prisoner—

14 “(I) has been determined under the
15 System to be a minimum or low risk to
16 recidivate pursuant to the last 2 reassess-
17 ments of the prisoner; or

18 “(II) has had a petition to be trans-
19 ferred to prerelease custody or supervised
20 release approved by the warden of the pris-
21 on, after the warden’s determination
22 that—

23 “(aa) the prisoner would not be a
24 danger to society if transferred to

1 prerelease custody or supervised re-
2 lease;

3 “(bb) the prisoner has made a
4 good faith effort to lower their recidi-
5 vism risk through participation in re-
6 cidivism reduction programs or pro-
7 ductive activities; and

8 “(cc) the prisoner is unlikely to
9 recidivate; or

10 “(ii) in the case of a prisoner being placed
11 in supervised release, the prisoner has been de-
12 termined under the System to be a minimum or
13 low risk to recidivate pursuant to the last reas-
14 sessment of the prisoner.

15 “(2) TYPES OF PRERELEASE CUSTODY.—A
16 prisoner shall be placed in prerelease custody as fol-
17 lows:

18 “(A) HOME CONFINEMENT.—

19 “(i) IN GENERAL.—A prisoner placed
20 in prerelease custody pursuant to this sub-
21 section who is placed in home confinement
22 shall—

23 “(I) be subject to 24-hour elec-
24 tronic monitoring that enables the
25 prompt identification of the prisoner,

1 location, and time, in the case of any
2 violation of subclause (II);

3 “(II) remain in the prisoner’s
4 residence, except that the prisoner
5 may leave the prisoner’s home in
6 order to, subject to the approval of
7 the Director of the Bureau of Pris-
8 ons—

9 “(aa) perform a job or job-
10 related activities, including an
11 apprenticeship, or participate in
12 job-seeking activities;

13 “(bb) participate in evi-
14 dence-based recidivism reduction
15 programming or productive ac-
16 tivities assigned by the System,
17 or similar activities;

18 “(cc) perform community
19 service;

20 “(dd) participate in crime
21 victim restoration activities;

22 “(ee) receive medical treat-
23 ment;

24 “(ff) attend religious activi-
25 ties; or

1 “(gg) participate in other
2 family-related activities that fa-
3 cilitate the prisoner’s successful
4 reentry such as a family funeral,
5 a family wedding, or to visit a
6 family member who is seriously
7 ill; and

8 “(III) comply with such other
9 conditions as the Director determines
10 appropriate.

11 “(ii) ALTERNATE MEANS OF MONI-
12 TORING.—If the electronic monitoring of a
13 prisoner described in clause (i)(I) is infea-
14 sible for technical or religious reasons, the
15 Director of the Bureau of Prisons may use
16 alternative means of monitoring a prisoner
17 placed in home confinement that the Direc-
18 tor determines are as effective or more ef-
19 fective than the electronic monitoring de-
20 scribed in clause (i)(I).

21 “(iii) MODIFICATIONS.—The Director
22 of the Bureau of Prisons may modify the
23 conditions described in clause (i) if the Di-
24 rector determines that a compelling reason
25 exists to do so, and that the prisoner has

1 demonstrated exemplary compliance with
2 such conditions.

3 “(iv) DURATION.—Except as provided
4 in paragraph (4), a prisoner who is placed
5 in home confinement shall remain in home
6 confinement until the prisoner has served
7 not less than 85 percent of the prisoner’s
8 imposed term of imprisonment.

9 “(B) RESIDENTIAL REENTRY CENTER.—A
10 prisoner placed in prerelease custody pursuant
11 to this subsection who is placed at a residential
12 reentry center shall be subject to such condi-
13 tions as the Director of the Bureau of Prisons
14 determines appropriate.

15 “(3) SUPERVISED RELEASE.—If the sentencing
16 court included as a part of the prisoner’s sentence
17 a requirement that the prisoner be placed on a term
18 of supervised release after imprisonment pursuant to
19 section 3583, the Director of the Bureau of Prisons
20 may transfer the prisoner to begin any such term of
21 supervised release at an earlier date, not to exceed
22 12 months, based on the application of time credits
23 under section 3632.

24 “(4) DETERMINATION OF CONDITIONS.—In de-
25 termining appropriate conditions for prisoners

1 placed in prerelease custody pursuant to this sub-
2 section, the Director of the Bureau of Prisons shall,
3 to the extent practicable, provide that increasingly
4 less restrictive conditions shall be imposed on pris-
5 oners who demonstrate continued compliance with
6 the conditions of such prerelease custody, so as to
7 most effectively prepare such prisoners for reentry.

8 “(5) VIOLATIONS OF CONDITIONS.—If a pris-
9 oner violates a condition of the prisoner’s prerelease
10 custody, the Director of the Bureau of Prisons may
11 impose such additional conditions on the prisoner’s
12 prerelease custody as the Director of the Bureau of
13 Prisons determines appropriate, or revoke the pris-
14 oner’s prerelease custody and require the prisoner to
15 serve the remainder of the term of imprisonment to
16 which the prisoner was sentenced, or any portion
17 thereof, in prison. If the violation is nontechnical in
18 nature, the Director of the Bureau of Prisons shall
19 revoke the prisoner’s prerelease custody.

20 “(6) ISSUANCE OF GUIDELINES.—The Attorney
21 General, in consultation with the Assistant Director
22 for the Office of Probation and Pretrial Services,
23 shall issue guidelines for use by the Bureau of Pris-
24 ons in determining—

1 “(A) the appropriate type of prerelease
2 custody or supervised release and level of super-
3 vision for a prisoner placed on prerelease cus-
4 tody pursuant to this subsection; and

5 “(B) consequences for a violation of a con-
6 dition of such prerelease custody by such a pris-
7 oner, including a return to prison and a reas-
8 sessment of evidence-based recidivism risk level
9 under the System.

10 “(7) AGREEMENTS WITH UNITED STATES PRO-
11 BATION AND PRETRIAL SERVICES.—The Director of
12 the Bureau of Prisons shall, to the greatest extent
13 practicable, enter into agreements with United
14 States Probation and Pretrial Services to supervise
15 prisoners placed in home confinement under this
16 subsection. Such agreements shall—

17 “(A) authorize United States Probation
18 and Pretrial Services to exercise the authority
19 granted to the Director pursuant to paragraphs
20 (3) and (4); and

21 “(B) take into account the resource re-
22 quirements of United States Probation and
23 Pretrial Services as a result of the transfer of
24 Bureau of Prisons prisoners to prerelease cus-
25 tody or supervised release.

1 “(8) ASSISTANCE.—United States Probation
2 and Pretrial Services shall, to the greatest extent
3 practicable, offer assistance to any prisoner not
4 under its supervision during prerelease custody
5 under this subsection.

6 “(9) MENTORING, REENTRY, AND SPIRITUAL
7 SERVICES.—Any prerelease custody into which a
8 prisoner is placed under this subsection may not in-
9 clude a condition prohibiting the prisoner from re-
10 ceiving mentoring, reentry, or spiritual services from
11 a person who provided such services to the prisoner
12 while the prisoner was incarcerated, except that the
13 warden of the facility at which the prisoner was in-
14 carcerated may waive the requirement under this
15 paragraph if the warden finds that the provision of
16 such services would pose a significant security risk
17 to the prisoner, persons who provide such services,
18 or any other person. The warden shall provide writ-
19 ten notice of any such waiver to the person providing
20 such services and to the prisoner.

21 “(10) TIME LIMITS INAPPLICABLE.—The time
22 limits under subsections (b) and (c) shall not apply
23 to prerelease custody under this subsection.

24 “(11) PRERELEASE CUSTODY CAPACITY.—The
25 Director of the Bureau of Prisons shall ensure there

1 is sufficient prerelease custody capacity to accommo-
 2 date all eligible prisoners.”.

3 (2) EFFECTIVE DATE.—The amendments made
 4 by this subsection shall take effect beginning on the
 5 date that the Attorney General completes and re-
 6 leases the risk and needs assessment system under
 7 subchapter D of chapter 229 of title 18, United
 8 States Code, as added by section 101(a) of this Act.

9 (3) APPLICABILITY.—The amendments made
 10 by this subsection shall apply with respect to of-
 11 fenses committed before, on, or after the date of en-
 12 actment of this Act, except that such amendments
 13 shall not apply with respect to offenses committed
 14 before November 1, 1987.

15 **SEC. 103. GAO REPORT.**

16 Not later than 2 years after the Director of the Bu-
 17 reau of Prisons implements the risk and needs assessment
 18 system under section 3621 of title 18, United States Code,
 19 and every 2 years thereafter, the Comptroller General of
 20 the United States shall conduct an audit of the use of the
 21 risk and needs assessment system at Bureau of Prisons
 22 facilities. The audit shall include analysis of the following:

23 (1) Whether inmates are being assessed under
 24 the risk and needs assessment system with the fre-

1 quency required under such section 3621 of title 18,
2 United States Code.

3 (2) Whether the Bureau of Prisons is able to
4 offer recidivism reduction programs and productive
5 activities (as such terms are defined in section 3635
6 of title 18, United States Code, as added by section
7 101(a) of this Act).

8 (3) Whether the Bureau of Prisons is offering
9 the type, amount, and intensity of recidivism reduc-
10 tion programs and productive activities for prisoners
11 to earn the maximum amount of time credits for
12 which they are eligible.

13 (4) Whether the Attorney General is carrying
14 out the duties under section 3631(b) of title 18,
15 United States Code, as added by section 101(a) of
16 this Act.

17 (5) Whether officers and employees of the Bu-
18 reau of Prisons are receiving the training described
19 in section 3632(f) of title 18, United States Code,
20 as added by section 101(a) of this Act.

21 (6) Whether the Bureau of Prisons offers work
22 assignments to all prisoners who might benefit from
23 such an assignment.

24 (7) Whether the Bureau of Prisons transfers
25 prisoners to prerelease custody or supervised release

1 as soon as they are eligible for such a transfer under
2 section 3624(g) of title 18, United States Code, as
3 added by section 102(b) of this Act.

4 (8) The rates of recidivism among similarly
5 classified prisoners to identify any unwarranted dis-
6 parities, including disparities among similarly classi-
7 fied prisoners of different demographic groups, in
8 such rates.

9 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated to carry out this title \$75,000,000 for each of fis-
12 cal years 2019 through 2023. Of the amount appropriated
13 under this subsection, 80 percent shall be reserved for use
14 by the Director of the Bureau of Prisons to implement
15 the system under section 3621(h) of title 18, United
16 States Code, as added by section 102(a) of this Act.

17 (b) SAVINGS.—It is the sense of Congress that any
18 savings associated with reductions in recidivism that result
19 from this title should be reinvested—

20 (1) to supplement funding for programs that
21 increase public safety by providing resources to
22 State and local law enforcement officials, including
23 for the adoption of innovative technologies and infor-
24 mation sharing capabilities;

1 (2) into evidence-based recidivism reduction
2 programs offered by the Bureau of Prisons; and
3 (3) into ensuring eligible prisoners have access
4 to such programs and productive activities offered
5 by the Bureau of Prisons.

6 **SEC. 105. RULE OF CONSTRUCTION.**

7 Nothing in this Act, or the amendments made by this
8 Act, may be construed to provide authority to place a pris-
9 oner in prerelease custody or supervised release who is
10 serving a term of imprisonment pursuant to a conviction
11 for an offense under the laws of one of the 50 States,
12 or of a territory or possession of the United States or to
13 amend or affect the enforcement of the immigration laws,
14 as defined in section 101 of the Immigration and Nation-
15 ality Act (8 U.S.C. 1101).

16 **SEC. 106. FAITH-BASED CONSIDERATIONS.**

17 (a) IN GENERAL.—In considering any program,
18 treatment, regimen, group, company, charity, person, or
19 entity of any kind under any provision of this Act, or the
20 amendments made by this Act, the fact that it may be
21 or is faith-based may not be a basis for any discrimination
22 against it in any manner or for any purpose.

23 (b) ELIGIBILITY FOR EARNED TIME CREDIT.—Par-
24 ticipation in a faith-based program, treatment, or regimen
25 may qualify a prisoner for earned time credit under sub-

1 chapter D of chapter 229 of title 18, United States Code,
2 as added by section 101(a) of this Act, however, the Direc-
3 tor of the Bureau of Prisons shall ensure that non-faith-
4 based programs that qualify for earned time credit are of-
5 fered at each Bureau of Prisons facility in addition to any
6 such faith-based programs.

7 (c) LIMITATION ON ACTIVITIES.—A group, company,
8 charity, person, or entity may not engage in faith-based
9 activities using direct financial assistance made available
10 under this title or the amendments made by this title.

11 (d) RULE OF CONSTRUCTION.—Nothing in this Act,
12 or the amendments made by this Act, may be construed
13 to amend any requirement under Federal law or the Con-
14 stitution of the United States regarding funding for faith-
15 based programs or activities.

16 **SEC. 107. INDEPENDENT REVIEW COMMITTEE.**

17 (a) IN GENERAL.—The Attorney General shall con-
18 sult with an Independent Review Committee in carrying
19 out the Attorney General’s duties under sections 3631(b),
20 3632 and 3633 of title 18, United States Code, as added
21 by section 101(a) of this Act.

22 (b) FORMATION OF INDEPENDENT REVIEW COM-
23 MITTEE.—The National Institute of Justice shall select a
24 nonpartisan and nonprofit organization with expertise in
25 the study and development of risk and needs assessment

1 tools to host the Independent Review Committee. The
2 Independent Review Committee shall be established not
3 later than 30 days after the date of enactment of this Act.

4 (c) APPOINTMENT OF INDEPENDENT REVIEW COM-
5 MITTEE.—The organization selected by the National Insti-
6 tute of Justice shall appoint not fewer than 6 members
7 to the Independent Review Committee.

8 (d) COMPOSITION OF THE INDEPENDENT REVIEW
9 COMMITTEE.—The members of the Independent Review
10 Committee shall all have expertise in risk and needs as-
11 sessment systems and shall include—

12 (1) 2 individuals who have published peer-re-
13 viewed scholarship about risk and needs assessments
14 in both corrections and community settings;

15 (2) 2 corrections practitioners who have devel-
16 oped and implemented a risk assessment tool in a
17 corrections system or in a community supervision
18 setting, including 1 with prior experience working
19 within the Bureau of Prisons; and

20 (3) 1 individual with expertise in assessing risk
21 assessment implementation.

22 (e) DUTIES OF THE INDEPENDENT REVIEW COM-
23 MITTEE.—The Independent Review Committee shall assist
24 the Attorney General in carrying out the Attorney Gen-
25 eral's duties under sections 3631(b), 3632 and 3633 of

1 title 18, United States Code, as added by section 101(a)
2 of this Act, including by assisting in—

3 (1) conducting a review of the existing prisoner
4 risk and needs assessment systems in operation on
5 the date of enactment of this Act;

6 (2) developing recommendations regarding evi-
7 dence-based recidivism reduction programs and pro-
8 ductive activities;

9 (3) conducting research and data analysis on—

10 (A) evidence-based recidivism reduction
11 programs relating to the use of prisoner risk
12 and needs assessment tools;

13 (B) the most effective and efficient uses of
14 such programs; and

15 (C) which evidence-based recidivism reduc-
16 tion programs are the most effective at reduc-
17 ing recidivism, and the type, amount, and inten-
18 sity of programming that most effectively re-
19 duces the risk of recidivism; and

20 (4) reviewing and validating the risk and needs
21 assessment system.

22 (f) BUREAU OF PRISONS COOPERATION.—The Direc-
23 tor of the Bureau of Prisons shall assist the Independent
24 Review Committee in performing the Committee’s duties
25 and promptly respond to requests from the Committee for

1 access to Bureau of Prisons facilities, personnel, and in-
2 formation.

3 (g) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Independent Review Com-
5 mittee shall submit to the Committee on the Judiciary and
6 the Subcommittee on Commerce, Justice, Science, and Re-
7 lated Agencies of the Committee on Appropriations of the
8 Senate and the Committee on the Judiciary and the Sub-
9 committee on Commerce, Justice, Science, and Related
10 Agencies of the Committee on Appropriations of the
11 House of Representatives a report that includes—

12 (1) a list of all offenses of conviction for which
13 prisoners were ineligible to receive time credits
14 under section 3632(d)(4)(D) of title 18, United
15 States Code, as added by section 101(a) of this Act,
16 and for each offense the number of prisoners ex-
17 cluded, including demographic percentages by age,
18 race, and sex;

19 (2) the criminal history categories of prisoners
20 ineligible to receive time credits under section
21 3632(d)(4)(D) of title 18, United States Code, as
22 added by section 101(a) of this Act, and for each
23 category the number of prisoners excluded, including
24 demographic percentages by age, race, and sex;

1 (3) the number of prisoners ineligible to apply
 2 time credits under section 3632(d)(4)(D) of title 18,
 3 United States Code, as added by section 101(a) of
 4 this Act, who do not participate in recidivism reduc-
 5 tion programming or productive activities, including
 6 the demographic percentages by age, race, and sex;

7 (4) any recommendations for modifications to
 8 section 3632(d)(4)(D) of title 18, United States
 9 Code, as added by section 101(a) of this Act, and
 10 any other recommendations regarding recidivism re-
 11 duction.

12 (h) TERMINATION.—The Independent Review Com-
 13 mittee shall terminate on the date that is 2 years after
 14 the date on which the risk and needs assessment system
 15 authorized by sections 3632 and 3633 of title 18, United
 16 States Code, as added by section 101(a) of this Act, is
 17 released.

18 **TITLE II—BUREAU OF PRISONS** 19 **SECURE FIREARMS STORAGE**

20 **SEC. 201. SHORT TITLE.**

21 This title may be cited as the “Lieutenant Osvaldo
 22 Albarati Correctional Officer Self-Protection Act of
 23 2018”.

1 **SEC. 202. SECURE FIREARMS STORAGE.**

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

5 **“§ 4050. Secure firearms storage**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘employee’ means a qualified law
8 enforcement officer employed by the Bureau of Pris-
9 ons; and

10 “(2) the terms ‘firearm’ and ‘qualified law en-
11 forcement officer’ have the meanings given those
12 terms under section 926B.

13 “(b) SECURE FIREARMS STORAGE.—The Director of
14 the Bureau of Prisons shall ensure that each chief execu-
15 tive officer of a Federal penal or correctional institution—

16 “(1)(A) provides a secure storage area located
17 outside of the secure perimeter of the institution for
18 employees to store firearms; or

19 “(B) allows employees to store firearms in a ve-
20 hicle lockbox approved by the Director of the Bureau
21 of Prisons; and

22 “(2) notwithstanding any other provision of
23 law, allows employees to carry concealed firearms on
24 the premises outside of the secure perimeter of the
25 institution.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The table of sections for chapter 303 of title 18, United
 3 States Code, is amended by adding at the end the fol-
 4 lowing:

“4050. Secure firearms storage.”.

5 **TITLE III—RESTRAINTS ON**
 6 **PREGNANT PRISONERS PRO-**
 7 **HIBITED**

8 **SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE**
 9 **PERIOD OF PREGNANCY AND POSTPARTUM**
 10 **RECOVERY PROHIBITED.**

11 (a) IN GENERAL.—Chapter 317 of title 18, United
 12 States Code, is amended by inserting after section 4321
 13 the following:

14 **“§ 4322. Use of restraints on prisoners during the pe-**
 15 **riod of pregnancy, labor, and postpartum**
 16 **recovery prohibited**

17 “(a) PROHIBITION.—Except as provided in sub-
 18 section (b), beginning on the date on which pregnancy is
 19 confirmed by a healthcare professional, and ending at the
 20 conclusion of postpartum recovery, a prisoner in the cus-
 21 tody of the Bureau of Prisons, or in the custody of the
 22 United States Marshals Service pursuant to section 4086,
 23 shall not be placed in restraints.

24 “(b) EXCEPTIONS.—

1 “(1) IN GENERAL.—The prohibition under sub-
2 section (a) shall not apply if—

3 “(A) an appropriate corrections official, or
4 a United States marshal, as applicable, makes
5 a determination that the prisoner—

6 “(i) is an immediate and credible
7 flight risk that cannot reasonably be pre-
8 vented by other means; or

9 “(ii) poses an immediate and serious
10 threat of harm to herself or others that
11 cannot reasonably be prevented by other
12 means; or

13 “(B) a healthcare professional responsible
14 for the health and safety of the prisoner deter-
15 mines that the use of restraints is appropriate
16 for the medical safety of the prisoner.

17 “(2) LEAST RESTRICTIVE RESTRAINTS.—In the
18 case that restraints are used pursuant to an excep-
19 tion under paragraph (1), only the least restrictive
20 restraints necessary to prevent the harm or risk of
21 escape described in paragraph (1) may be used.

22 “(3) APPLICATION.—

23 “(A) IN GENERAL.—The exceptions under
24 paragraph (1) may not be applied—

1 “(i) to place restraints around the an-
2 kles, legs, or waist of a prisoner;

3 “(ii) to restrain a prisoner’s hands be-
4 hind her back;

5 “(iii) to restrain a prisoner using 4-
6 point restraints; or

7 “(iv) to attach a prisoner to another
8 prisoner.

9 “(B) MEDICAL REQUEST.—Notwith-
10 standing paragraph (1), upon the request of a
11 healthcare professional who is responsible for
12 the health and safety of a prisoner, a correc-
13 tions official or United States marshal, as ap-
14 plicable, shall refrain from using restraints on
15 the prisoner or shall remove restraints used on
16 the prisoner.

17 “(c) REPORTS.—

18 “(1) REPORT TO THE DIRECTOR AND
19 HEALTHCARE PROFESSIONAL.—If a corrections offi-
20 cial or United States marshal uses restraints on a
21 prisoner under subsection (b)(1), that official or
22 marshal shall submit, not later than 30 days after
23 placing the prisoner in restraints, to the Director of
24 the Bureau of Prisons or the Director of the United
25 States Marshals Service, as applicable, and to the

1 healthcare professional responsible for the health
2 and safety of the prisoner, a written report that de-
3 scribes the facts and circumstances surrounding the
4 use of restraints, and includes—

5 “(A) the reasoning upon which the deter-
6 mination to use restraints was made;

7 “(B) the details of the use of restraints,
8 including the type of restraints used and length
9 of time during which restraints were used; and

10 “(C) any resulting physical effects on the
11 prisoner observed by or known to the correc-
12 tions official or United States marshal, as ap-
13 plicable.

14 “(2) SUPPLEMENTAL REPORT TO THE DIREC-
15 TOR.—Upon receipt of a report under paragraph
16 (1), the healthcare professional responsible for the
17 health and safety of the prisoner may submit to the
18 Director such information as the healthcare profes-
19 sional determines is relevant to the use of restraints
20 on the prisoner.

21 “(3) REPORT TO JUDICIARY COMMITTEES.—

22 “(A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this section, and
24 annually thereafter, the Director of the Bureau
25 of Prisons and the Director of the United

1 States Marshals Service shall each submit to
2 the Judiciary Committee of the Senate and of
3 the House of Representatives a report that cer-
4 tifies compliance with this section and includes
5 the information required to be reported under
6 paragraph (1).

7 “(B) PERSONALLY IDENTIFIABLE INFOR-
8 MATION.—The report under this paragraph
9 shall not contain any personally identifiable in-
10 formation of any prisoner.

11 “(d) NOTICE.—Not later than 48 hours after the con-
12 firmation of a prisoner’s pregnancy by a healthcare profes-
13 sional, that prisoner shall be notified by an appropriate
14 healthcare professional, corrections official, or United
15 States marshal, as applicable, of the restrictions on the
16 use of restraints under this section.

17 “(e) VIOLATION REPORTING PROCESS.—The Direc-
18 tor of the Bureau of Prisons, in consultation with the Di-
19 rector of the United States Marshals Service, shall estab-
20 lish a process through which a prisoner may report a viola-
21 tion of this section.

22 “(f) TRAINING.—

23 “(1) IN GENERAL.—The Director of the Bureau
24 of Prisons and the Director of the United States
25 Marshals Service shall each develop training guide-

1 lines regarding the use of restraints on female pris-
 2 oners during the period of pregnancy, labor, and
 3 postpartum recovery, and shall incorporate such
 4 guidelines into appropriate training programs. Such
 5 training guidelines shall include—

6 “(A) how to identify certain symptoms of
 7 pregnancy that require immediate referral to a
 8 healthcare professional;

9 “(B) circumstances under which the excep-
 10 tions under subsection (b) would apply;

11 “(C) in the case that an exception under
 12 subsection (b) applies, how to apply restraints
 13 in a way that does not harm the prisoner, the
 14 fetus, or the neonate;

15 “(D) the information required to be re-
 16 ported under subsection (c); and

17 “(E) the right of a healthcare professional
 18 to request that restraints not be used, and the
 19 requirement under subsection (b)(3)(B) to com-
 20 ply with such a request.

21 “(2) DEVELOPMENT OF GUIDELINES.—In de-
 22 veloping the guidelines required by paragraph (1),
 23 the Directors shall each consult with healthcare pro-
 24 fessionals with expertise in caring for women during
 25 the period of pregnancy and postpartum recovery.

1 “(g) DEFINITIONS.—For purposes of this section:

2 “(1) POSTPARTUM RECOVERY.—The term
3 ‘postpartum recovery’ means the 12-week period, or
4 longer as determined by the healthcare professional
5 responsible for the health and safety of the prisoner,
6 following delivery, and shall include the entire period
7 that the prisoner is in the hospital or infirmary.

8 “(2) PRISONER.—The term ‘prisoner’ means a
9 person who has been sentenced to a term of impris-
10 onment pursuant to a conviction for a Federal crimi-
11 nal offense, or a person in the custody of the Bureau
12 of Prisons, including a person in a Bureau of Pris-
13 ons contracted facility.

14 “(3) RESTRAINTS.—The term ‘restraints’
15 means any physical or mechanical device used to
16 control the movement of a prisoner’s body, limbs, or
17 both.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 for chapter 317 of title 18, United States Code, is amend-
20 ed by adding after the item relating to section 4321 the
21 following:

 “4322. Use of restraints on prisoners during the period of pregnancy, labor, and
 postpartum recovery prohibited.”.

1 **TITLE IV—SENTENCING REFORM**

2 **SEC. 401. REDUCE AND RESTRICT ENHANCED SENTENCING**

3 **FOR PRIOR DRUG FELONIES.**

4 (a) CONTROLLED SUBSTANCES ACT AMEND-
5 MENTS.—The Controlled Substances Act (21 U.S.C. 801
6 et seq.) is amended—

7 (1) in section 102 (21 U.S.C. 802), by adding
8 at the end the following:

9 “(57) The term ‘serious drug felony’ means an
10 offense described in section 924(e)(2) of title 18,
11 United States Code, for which—

12 “(A) the offender served a term of impris-
13 onment of more than 12 months; and

14 “(B) the offender’s release from any term
15 of imprisonment was within 15 years of the
16 commencement of the instant offense.

17 “(58) The term ‘serious violent felony’ means—

18 “(A) an offense described in section
19 3559(c)(2) of title 18, United States Code, for
20 which the offender served a term of imprison-
21 ment of more than 12 months; and

22 “(B) any offense that would be a felony
23 violation of section 113 of title 18, United
24 States Code, if the offense were committed in
25 the special maritime and territorial jurisdiction

1 of the United States, for which the offender
2 served a term of imprisonment of more than 12
3 months.”; and

4 (2) in section 401(b)(1) (21 U.S.C.
5 841(b)(1))—

6 (A) in subparagraph (A), in the matter fol-
7 lowing clause (viii)—

8 (i) by striking “If any person commits
9 such a violation after a prior conviction for
10 a felony drug offense has become final,
11 such person shall be sentenced to a term of
12 imprisonment which may not be less than
13 20 years” and inserting the following: “If
14 any person commits such a violation after
15 a prior conviction for a serious drug felony
16 or serious violent felony has become final,
17 such person shall be sentenced to a term of
18 imprisonment of not less than 15 years”;
19 and

20 (ii) by striking “after two or more
21 prior convictions for a felony drug offense
22 have become final, such person shall be
23 sentenced to a mandatory term of life im-
24 prisonment without release” and inserting
25 the following: “after 2 or more prior con-

1 victions for a serious drug felony or serious
 2 violent felony have become final, such per-
 3 son shall be sentenced to a term of impris-
 4 onment of not less than 25 years”; and

5 (B) in subparagraph (B), in the matter
 6 following clause (viii), by striking “If any per-
 7 son commits such a violation after a prior con-
 8 viction for a felony drug offense has become
 9 final” and inserting the following: “If any per-
 10 son commits such a violation after a prior con-
 11 viction for a serious drug felony or serious vio-
 12 lent felony has become final”.

13 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
 14 ACT AMENDMENTS.—Section 1010(b) of the Controlled
 15 Substances Import and Export Act (21 U.S.C. 960(b)) is
 16 amended—

17 (1) in paragraph (1), in the matter following
 18 subparagraph (H), by striking “If any person com-
 19 mits such a violation after a prior conviction for a
 20 felony drug offense has become final, such person
 21 shall be sentenced to a term of imprisonment of not
 22 less than 20 years” and inserting “If any person
 23 commits such a violation after a prior conviction for
 24 a serious drug felony or serious violent felony has
 25 become final, such person shall be sentenced to a

1 term of imprisonment of not less than 15 years”;
 2 and

3 (2) in paragraph (2), in the matter following
 4 subparagraph (H), by striking “felony drug offense”
 5 and inserting “serious drug felony or serious violent
 6 felony”.

7 (c) APPLICABILITY TO PENDING CASES.—This sec-
 8 tion, and the amendments made by this section, shall
 9 apply to any offense that was committed before the date
 10 of enactment of this Act, if a sentence for the offense has
 11 not been imposed as of such date of enactment.

12 **SEC. 402. BROADENING OF EXISTING SAFETY VALVE.**

13 (a) AMENDMENTS.—Section 3553 of title 18, United
 14 States Code, is amended—

15 (1) in subsection (f)—

16 (A) in the matter preceding paragraph
 17 (1)—

18 (i) by striking “or section 1010” and
 19 inserting “, section 1010”; and

20 (ii) by inserting “, or section 70503 or
 21 70506 of title 46” after “963”;

22 (B) by striking paragraph (1) and insert-
 23 ing the following:

24 “(1) the defendant does not have—

1 “(A) more than 4 criminal history points,
 2 excluding any criminal history points resulting
 3 from a 1-point offense, as determined under the
 4 sentencing guidelines;

5 “(B) a prior 3-point offense, as determined
 6 under the sentencing guidelines; and

7 “(C) a prior 2-point violent offense, as de-
 8 termined under the sentencing guidelines;”; and

9 (C) by adding at the end the following:

10 “Information disclosed by a defendant under this sub-
 11 section may not be used to enhance the sentence of the
 12 defendant unless the information relates to a violent of-
 13 fense.”; and

14 (2) by adding at the end the following:

15 “(g) DEFINITION OF VIOLENT OFFENSE.—As used
 16 in this section, the term ‘violent offense’ means a crime
 17 of violence, as defined in section 16, that is punishable
 18 by imprisonment.”.

19 (b) APPLICABILITY.—The amendments made by this
 20 section shall apply only to a conviction entered on or after
 21 the date of enactment of this Act.

22 **SEC. 403. CLARIFICATION OF SECTION 924(c) OF TITLE 18,**
 23 **UNITED STATES CODE.**

24 (a) IN GENERAL.—Section 924(c)(1)(C) of title 18,
 25 United States Code, is amended, in the matter preceding

1 clause (i), by striking “second or subsequent conviction
2 under this subsection” and inserting “violation of this sub-
3 section that occurs after a prior conviction under this sub-
4 section has become final”.

5 (b) APPLICABILITY TO PENDING CASES.—This sec-
6 tion, and the amendments made by this section, shall
7 apply to any offense that was committed before the date
8 of enactment of this Act, if a sentence for the offense has
9 not been imposed as of such date of enactment.

10 **SEC. 404. APPLICATION OF FAIR SENTENCING ACT.**

11 (a) DEFINITION OF COVERED OFFENSE.—In this
12 section, the term “covered offense” means a violation of
13 a Federal criminal statute, the statutory penalties for
14 which were modified by section 2 or 3 of the Fair Sen-
15 tencing Act of 2010 (Public Law 111–220; 124 Stat.
16 2372), that was committed before August 3, 2010.

17 (b) DEFENDANTS PREVIOUSLY SENTENCED.—A
18 court that imposed a sentence for a covered offense may,
19 on motion of the defendant, the Director of the Bureau
20 of Prisons, the attorney for the Government, or the court,
21 impose a reduced sentence as if sections 2 and 3 of the
22 Fair Sentencing Act of 2010 (Public Law 111–220; 124
23 Stat. 2372) were in effect at the time the covered offense
24 was committed.

1 (c) LIMITATIONS.—No court shall entertain a motion
 2 made under this section to reduce a sentence if the sen-
 3 tence was previously imposed or previously reduced in ac-
 4 cordance with the amendments made by sections 2 and
 5 3 of the Fair Sentencing Act of 2010 (Public Law 111–
 6 220; 124 Stat. 2372) or if a previous motion made under
 7 this section to reduce the sentence was, after the date of
 8 enactment of this Act, denied after a complete review of
 9 the motion on the merits. Nothing in this section shall
 10 be construed to require a court to reduce any sentence
 11 pursuant to this section.

12 **TITLE V—SECOND CHANCE ACT** 13 **OF 2007 REAUTHORIZATION**

14 **SEC. 501. SHORT TITLE.**

15 This title may be cited as the “Second Chance Reau-
 16 thorization Act of 2018”.

17 **SEC. 502. IMPROVEMENTS TO EXISTING PROGRAMS.**

18 (a) REAUTHORIZATION OF ADULT AND JUVENILE
 19 OFFENDER STATE AND LOCAL DEMONSTRATION
 20 PROJECTS.—Section 2976 of title I of the Omnibus Crime
 21 Control and Safe Streets Act of 1968 (34 U.S.C. 10631)
 22 is amended—

23 (1) by striking subsection (a) and inserting the
 24 following:

1 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
 2 eral shall make grants to States, local governments, terri-
 3 tories, or Indian tribes, or any combination thereof (in this
 4 section referred to as an ‘eligible entity’), in partnership
 5 with interested persons (including Federal corrections and
 6 supervision agencies), service providers, and nonprofit or-
 7 ganizations for the purpose of strategic planning and im-
 8 plementation of adult and juvenile offender reentry
 9 projects.”;

10 (2) in subsection (b)—

11 (A) in paragraph (3), by inserting “or re-
 12 entry courts,” after “community,”;

13 (B) in paragraph (6), by striking “and” at
 14 the end;

15 (C) in paragraph (7), by striking the pe-
 16 riod at the end and inserting “; and”; and

17 (D) by adding at the end the following:

18 “(8) promoting employment opportunities con-
 19 sistent with the Transitional Jobs strategy (as de-
 20 fined in section 4 of the Second Chance Act of 2007
 21 (34 U.S.C. 60502)).”; and

22 (3) by striking subsections (d), (e), and (f) and
 23 inserting the following:

24 “(d) COMBINED GRANT APPLICATION; PRIORITY
 25 CONSIDERATION.—

1 “(1) IN GENERAL.—The Attorney General shall
 2 develop a procedure to allow applicants to submit a
 3 single application for a planning grant under sub-
 4 section (e) and an implementation grant under sub-
 5 section (f).

6 “(2) PRIORITY CONSIDERATION.—The Attorney
 7 General shall give priority consideration to grant ap-
 8 plications under subsections (e) and (f) that include
 9 a commitment by the applicant to partner with a
 10 local evaluator to identify and analyze data that
 11 will—

12 “(A) enable the grantee to target the in-
 13 tended offender population; and

14 “(B) serve as a baseline for purposes of
 15 the evaluation.

16 “(e) PLANNING GRANTS.—

17 “(1) IN GENERAL.—Except as provided in para-
 18 graph (3), the Attorney General may make a grant
 19 to an eligible entity of not more than \$75,000 to de-
 20 velop a strategic, collaborative plan for an adult or
 21 juvenile offender reentry demonstration project as
 22 described in subsection (h) that includes—

23 “(A) a budget and a budget justification;

24 “(B) a description of the outcome meas-
 25 ures that will be used to measure the effective-

1 ness of the program in promoting public safety
2 and public health;

3 “(C) the activities proposed;

4 “(D) a schedule for completion of the ac-
5 tivities described in subparagraph (C); and

6 “(E) a description of the personnel nec-
7 essary to complete the activities described in
8 subparagraph (C).

9 “(2) MAXIMUM TOTAL GRANTS AND GEO-
10 GRAPHIC DIVERSITY.—

11 “(A) MAXIMUM AMOUNT.—The Attorney
12 General may not make initial planning grants
13 and implementation grants to 1 eligible entity
14 in a total amount that is more than a
15 \$1,000,000.

16 “(B) GEOGRAPHIC DIVERSITY.—The At-
17 torney General shall make every effort to en-
18 sure equitable geographic distribution of grants
19 under this section and take into consideration
20 the needs of underserved populations, including
21 rural and tribal communities.

22 “(3) PERIOD OF GRANT.—A planning grant
23 made under this subsection shall be for a period of
24 not longer than 1 year, beginning on the first day
25 of the month in which the planning grant is made.

1 “(f) IMPLEMENTATION GRANTS.—

2 “(1) APPLICATIONS.—An eligible entity desiring
3 an implementation grant under this subsection shall
4 submit to the Attorney General an application
5 that—

6 “(A) contains a reentry strategic plan as
7 described in subsection (h), which describes the
8 long-term strategy and incorporates a detailed
9 implementation schedule, including the plans of
10 the applicant to fund the program after Federal
11 funding is discontinued;

12 “(B) identifies the local government role
13 and the role of governmental agencies and non-
14 profit organizations that will be coordinated by,
15 and that will collaborate on, the offender re-
16 entry strategy of the applicant, and certifies the
17 involvement of such agencies and organizations;

18 “(C) describes the evidence-based method-
19 ology and outcome measures that will be used
20 to evaluate the program funded with a grant
21 under this subsection, and specifically explains
22 how such measurements will provide valid meas-
23 ures of the impact of that program; and

1 “(D) describes how the project could be
2 broadly replicated if demonstrated to be effec-
3 tive.

4 “(2) REQUIREMENTS.—The Attorney General
5 may make a grant to an applicant under this sub-
6 section only if the application—

7 “(A) reflects explicit support of the chief
8 executive officer, or their designee, of the State,
9 unit of local government, territory, or Indian
10 tribe applying for a grant under this subsection;

11 “(B) provides discussion of the role of
12 Federal corrections, State corrections depart-
13 ments, community corrections agencies, juvenile
14 justice systems, and tribal or local jail systems
15 in ensuring successful reentry of offenders into
16 their communities;

17 “(C) provides evidence of collaboration
18 with State, local, or tribal government agencies
19 overseeing health, housing, child welfare, edu-
20 cation, substance abuse, victims services, and
21 employment services, and with local law en-
22 forcement agencies;

23 “(D) provides a plan for analysis of the
24 statutory, regulatory, rules-based, and practice-

1 based hurdles to reintegration of offenders into
2 the community;

3 “(E) includes the use of a State, local, ter-
4 ritorial, or tribal task force, described in sub-
5 section (i), to carry out the activities funded
6 under the grant;

7 “(F) provides a plan for continued collabo-
8 ration with a local evaluator as necessary to
9 meeting the requirements under subsection (h);
10 and

11 “(G) demonstrates that the applicant par-
12 ticipated in the planning grant process or en-
13 gaged in comparable planning for the reentry
14 project.

15 “(3) PRIORITY CONSIDERATIONS.—The Attor-
16 ney General shall give priority to grant applications
17 under this subsection that best—

18 “(A) focus initiative on geographic areas
19 with a disproportionate population of offenders
20 released from prisons, jails, and juvenile facili-
21 ties;

22 “(B) include—

23 “(i) input from nonprofit organiza-
24 tions, in any case where relevant input is

1 available and appropriate to the grant ap-
2 plication;

3 “(ii) consultation with crime victims
4 and offenders who are released from pris-
5 ons, jails, and juvenile facilities;

6 “(iii) coordination with families of of-
7 fenders;

8 “(iv) input, where appropriate, from
9 the juvenile justice coordinating council of
10 the region;

11 “(v) input, where appropriate, from
12 the reentry coordinating council of the re-
13 gion; or

14 “(vi) input, where appropriate, from
15 other interested persons;

16 “(C) demonstrate effective case assessment
17 and management abilities in order to provide
18 comprehensive and continuous reentry, includ-
19 ing—

20 “(i) planning for prerelease transi-
21 tional housing and community release that
22 begins upon admission for juveniles and
23 jail inmates, and, as appropriate, for pris-
24 on inmates, depending on the length of the
25 sentence;

1 “(ii) establishing prerelease planning
2 procedures to ensure that the eligibility of
3 an offender for Federal, tribal, or State
4 benefits upon release is established prior to
5 release, subject to any limitations in law,
6 and to ensure that offenders obtain all nec-
7 essary referrals for reentry services, includ-
8 ing assistance identifying and securing
9 suitable housing; or

10 “(iii) delivery of continuous and ap-
11 propriate mental health services, drug
12 treatment, medical care, job training and
13 placement, educational services, vocational
14 services, and any other service or support
15 needed for reentry;

16 “(D) review the process by which the ap-
17 plicant adjudicates violations of parole, proba-
18 tion, or supervision following release from pris-
19 on, jail, or a juvenile facility, taking into ac-
20 count public safety and the use of graduated,
21 community-based sanctions for minor and tech-
22 nical violations of parole, probation, or super-
23 vision (specifically those violations that are not
24 otherwise, and independently, a violation of
25 law);

1 “(E) provide for an independent evaluation
2 of reentry programs that include, to the max-
3 imum extent possible, random assignment and
4 controlled studies to determine the effectiveness
5 of such programs;

6 “(F) target moderate and high-risk offend-
7 ers for reentry programs through validated as-
8 sessment tools; or

9 “(G) target offenders with histories of
10 homelessness, substance abuse, or mental ill-
11 ness, including a prerelease assessment of the
12 housing status of the offender and behavioral
13 health needs of the offender with clear coordi-
14 nation with mental health, substance abuse, and
15 homelessness services systems to achieve stable
16 and permanent housing outcomes with appro-
17 priate support service.

18 “(4) PERIOD OF GRANT.—A grant made under
19 this subsection shall be effective for a 2-year pe-
20 riod—

21 “(A) beginning on the date on which the
22 planning grant awarded under subsection (e)
23 concludes; or

24 “(B) in the case of an implementation
25 grant awarded to an eligible entity that did not

1 receive a planning grant, beginning on the date
2 on which the implementation grant is award-
3 ed.”;

4 (4) in subsection (h)—

5 (A) by redesignating paragraphs (2) and
6 (3) as paragraphs (3) and (4), respectively; and

7 (B) by striking paragraph (1) and insert-
8 ing the following:

9 “(1) IN GENERAL.—As a condition of receiving
10 financial assistance under subsection (f), each appli-
11 cation shall develop a comprehensive reentry stra-
12 tegic plan that—

13 “(A) contains a plan to assess inmate re-
14 entry needs and measurable annual and 3-year
15 performance outcomes;

16 “(B) uses, to the maximum extent possible,
17 randomly assigned and controlled studies, or
18 rigorous quasi-experimental studies with
19 matched comparison groups, to determine the
20 effectiveness of the program funded with a
21 grant under subsection (f); and

22 “(C) includes as a goal of the plan to re-
23 duce the rate of recidivism for offenders re-
24 leased from prison, jail or a juvenile facility
25 with funds made available under subsection (f).

1 “(2) LOCAL EVALUATOR.—A partnership with a
 2 local evaluator described in subsection (d)(2) shall
 3 require the local evaluator to use the baseline data
 4 and target population characteristics developed
 5 under a subsection (e) planning grant to derive a
 6 target goal for recidivism reduction during the 3-
 7 year period beginning on the date of implementation
 8 of the program.”;

9 (5) in subsection (i)(1)—

10 (A) in the matter preceding subparagraph
 11 (A), by striking “under this section” and insert-
 12 ing “under subsection (f)”;

13 (B) in subparagraph (B), by striking “sub-
 14 section (e)(4)” and inserting “subsection
 15 (f)(2)(D)”;

16 (6) in subsection (j)—

17 (A) in paragraph (1), by inserting “for an
 18 implementation grant under subsection (f)”
 19 after “applicant”;

20 (B) in paragraph (2)—

21 (i) in subparagraph (E), by inserting
 22 “, where appropriate” after “support”; and

23 (ii) by striking subparagraphs (F),
 24 (G), and (H), and inserting the following:

1 “(F) increased number of staff trained to
2 administer reentry services;

3 “(G) increased proportion of individuals
4 served by the program among those eligible to
5 receive services;

6 “(H) increased number of individuals re-
7 ceiving risk screening needs assessment, and
8 case planning services;

9 “(I) increased enrollment in, and comple-
10 tion of treatment services, including substance
11 abuse and mental health services among those
12 assessed as needing such services;

13 “(J) increased enrollment in and degrees
14 earned from educational programs, including
15 high school, GED, vocational training, and col-
16 lege education;

17 “(K) increased number of individuals ob-
18 taining and retaining employment;

19 “(L) increased number of individuals ob-
20 taining and maintaining housing;

21 “(M) increased self-reports of successful
22 community living, including stability of living
23 situation and positive family relationships;

24 “(N) reduction in drug and alcohol use;
25 and

1 “(O) reduction in recidivism rates for indi-
 2 viduals receiving reentry services after release,
 3 as compared to either baseline recidivism rates
 4 in the jurisdiction of the grantee or recidivism
 5 rates of the control or comparison group.”;

6 (C) in paragraph (3), by striking “facili-
 7 ties.” and inserting “facilities, including a cost-
 8 benefit analysis to determine the cost effective-
 9 ness of the reentry program.”;

10 (D) in paragraph (4), by striking “this sec-
 11 tion” and inserting “subsection (f)”;

12 (E) in paragraph (5), by striking “this sec-
 13 tion” and inserting “subsection (f)”;

14 (7) in subsection (k)(1), by striking “this sec-
 15 tion” each place the term appears and inserting
 16 “subsection (f)”;

17 (8) in subsection (l)—

18 (A) in paragraph (2), by inserting “begin-
 19 ning on the date on which the most recent im-
 20 plementation grant is made to the grantee
 21 under subsection (f)” after “2-year period”;
 22 and

23 (B) in paragraph (4), by striking “over a
 24 2-year period” and inserting “during the 2-year
 25 period described in paragraph (2)”;

1 (9) in subsection (o)(1), by striking “appropriated” and all that follows and inserting the following: “appropriated \$35,000,000 for each of fiscal
2 years 2019 through 2023.”; and
3

4 (10) by adding at the end the following:
5

6 “(p) DEFINITION.—In this section, the term ‘reentry
7 court’ means a program that—

8 “(1) monitors juvenile and adult eligible offenders reentering the community;
9

10 “(2) provides continual judicial supervision;

11 “(3) provides juvenile and adult eligible offenders reentering the community with coordinated and
12 comprehensive reentry services and programs, such
13 as—
14

15 “(A) drug and alcohol testing and assessment for treatment;
16

17 “(B) assessment for substance abuse from
18 a substance abuse professional who is approved
19 by the State or Indian tribe and licensed by the
20 appropriate entity to provide alcohol and drug
21 addiction treatment, as appropriate;

22 “(C) substance abuse treatment, including
23 medication-assisted treatment, from a provider
24 that is approved by the State or Indian tribe,

1 and licensed, if necessary, to provide medical
2 and other health services;
3 “(D) health (including mental health) serv-
4 ices and assessment;
5 “(E) aftercare and case management serv-
6 ices that—
7 “(i) facilitate access to clinical care
8 and related health services; and
9 “(ii) coordinate with such clinical care
10 and related health services; and
11 “(F) any other services needed for reentry;
12 “(4) convenes community impact panels, victim
13 impact panels, or victim impact educational classes;
14 “(5) provides and coordinates the delivery of
15 community services to juvenile and adult eligible of-
16 fenders, including—
17 “(A) housing assistance;
18 “(B) education;
19 “(C) job training;
20 “(D) conflict resolution skills training;
21 “(E) batterer intervention programs; and
22 “(F) other appropriate social services; and
23 “(6) establishes and implements graduated
24 sanctions and incentives.”.

1 (b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE
 2 TREATMENT.—Part DD of title I of the Omnibus Crime
 3 Control and Safe Streets Act of 1968 (34 U.S.C. 10591
 4 et seq.) is amended—

5 (1) in section 2921 (34 U.S.C. 10591), in the
 6 matter preceding paragraph (1), by inserting “non-
 7 profit organizations,” before “and Indian”;

8 (2) in section 2923 (34 U.S.C. 10593), by add-
 9 ing at the end the following:

10 “(c) PRIORITY CONSIDERATIONS.—The Attorney
 11 General shall give priority consideration to grant applica-
 12 tions for grants under section 2921 that are submitted
 13 by a nonprofit organization that demonstrates a relation-
 14 ship with State and local criminal justice agencies, includ-
 15 ing—

16 “(1) within the judiciary and prosecutorial
 17 agencies; or

18 “(2) with the local corrections agencies, which
 19 shall be documented by a written agreement that de-
 20 tails the terms of access to facilities and participants
 21 and provides information on the history of the orga-
 22 nization of working with correctional populations.”;
 23 and

24 (3) by striking section 2926(a) and inserting
 25 the following:

1 “(a) IN GENERAL.—There are authorized to be ap-
 2 propriated to carry out this part \$10,000,000 for each of
 3 fiscal years 2019 through 2023.”.

4 (c) GRANT PROGRAM TO EVALUATE AND IMPROVE
 5 EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVE-
 6 NILE FACILITIES.—Title I of the Omnibus Crime Control
 7 and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)
 8 is amended—

9 (1) by striking the second part designated as
 10 part JJ, as added by the Second Chance Act of
 11 2007 (Public Law 110–199; 122 Stat. 677), relating
 12 to grants to evaluate and improve educational meth-
 13 ods at prisons, jails, and juvenile facilities;

14 (2) by adding at the end the following:

15 **“PART NN—GRANT PROGRAM TO EVALUATE AND**
 16 **IMPROVE EDUCATIONAL METHODS AT PRIS-**
 17 **ONS, JAILS, AND JUVENILE FACILITIES**

18 **“SEC. 3041. GRANT PROGRAM TO EVALUATE AND IMPROVE**
 19 **EDUCATIONAL METHODS AT PRISONS, JAILS,**
 20 **AND JUVENILE FACILITIES.**

21 “(a) GRANT PROGRAM AUTHORIZED.—The Attorney
 22 General may carry out a grant program under which the
 23 Attorney General may make grants to States, units of
 24 local government, territories, Indian Tribes, and other
 25 public and private entities to—

1 “(1) evaluate methods to improve academic and
2 vocational education for offenders in prisons, jails,
3 and juvenile facilities;

4 “(2) identify, and make recommendations to the
5 Attorney General regarding, best practices relating
6 to academic and vocational education for offenders
7 in prisons, jails, and juvenile facilities, based on the
8 evaluation under paragraph (1);

9 “(3) improve the academic and vocational edu-
10 cation programs (including technology career train-
11 ing) available to offenders in prisons, jails, and juve-
12 nile facilities; and

13 “(4) implement methods to improve academic
14 and vocational education for offenders in prisons,
15 jails, and juvenile facilities consistent with the best
16 practices identified in subsection (c).

17 “(b) APPLICATION.—To be eligible for a grant under
18 this part, a State or other entity described in subsection
19 (a) shall submit to the Attorney General an application
20 in such form and manner, at such time, and accompanied
21 by such information as the Attorney General specifies.

22 “(c) BEST PRACTICES.—Not later than 180 days
23 after the date of enactment of the Second Chance Reau-
24 thorization Act of 2018, the Attorney General shall iden-
25 tify and publish best practices relating to academic and

1 vocational education for offenders in prisons, jails, and ju-
 2 venile facilities. The best practices shall consider the eval-
 3 uations performed and recommendations made under
 4 grants made under subsection (a) before the date of enact-
 5 ment of the Second Chance Reauthorization Act of 2018.

6 “(d) REPORT.—Not later than 90 days after the last
 7 day of the final fiscal year of a grant under this part,
 8 each entity described in subsection (a) receiving such a
 9 grant shall submit to the Attorney General a detailed re-
 10 port of the progress made by the entity using such grant,
 11 to permit the Attorney General to evaluate and improve
 12 academic and vocational education methods carried out
 13 with grants under this part.”; and

14 (3) in section 1001(a) of part J of title I of the
 15 Omnibus Crime Control and Safe Streets Act of
 16 1968 (34 U.S.C. 10261(a)), by adding at the end
 17 the following:

18 “(28) There are authorized to be appropriated
 19 to carry out section 3031(a)(4) of part NN
 20 \$5,000,000 for each of fiscal years 2019, 2020,
 21 2021, 2022, and 2023.”.

22 (d) CAREERS TRAINING DEMONSTRATION
 23 GRANTS.—Section 115 of the Second Chance Act of 2007
 24 (34 U.S.C. 60511) is amended—

1 (1) in the heading, by striking “**TECHNOLOGY**
 2 **CAREERS**” and inserting “**CAREERS**”;

3 (2) in subsection (a)—

4 (A) by striking “and Indian” and inserting
 5 “nonprofit organizations, and Indian”; and

6 (B) by striking “technology career training
 7 to prisoners” and inserting “career training, in-
 8 cluding subsidized employment, when part of a
 9 training program, to prisoners and reentering
 10 youth and adults”;

11 (3) in subsection (b)—

12 (A) by striking “technology careers train-
 13 ing”;

14 (B) by striking “technology-based”; and

15 (C) by inserting “, as well as upon transi-
 16 tion and reentry into the community” after “fa-
 17 cility”;

18 (4) by striking subsection (e);

19 (5) by redesignating subsections (c) and (d) as
 20 subsections (d) and (e), respectively;

21 (6) by inserting after subsection (b) the fol-
 22 lowing:

23 “(c) PRIORITY CONSIDERATION.—Priority consider-
 24 ation shall be given to any application under this section
 25 that—

1 “(1) provides assessment of local demand for
2 employees in the geographic areas to which offenders
3 are likely to return;

4 “(2) conducts individualized reentry career
5 planning upon the start of incarceration or post-re-
6 lease employment planning for each offender served
7 under the grant;

8 “(3) demonstrates connections to employers
9 within the local community; or

10 “(4) tracks and monitors employment out-
11 comes.”; and

12 (7) by adding at the end the following:

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$10,000,000 for each of fiscal years 2019, 2020, 2021,
16 2022, and 2023.”.

17 (e) OFFENDER REENTRY SUBSTANCE ABUSE AND
18 CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section
19 201(f)(1) of the Second Chance Act of 2007 (34 U.S.C.
20 60521(f)(1)) is amended to read as follows:

21 “(1) IN GENERAL.—There are authorized to be
22 appropriated to carry out this section \$15,000,000
23 for each of fiscal years 2019 through 2023.”.

1 (f) COMMUNITY-BASED MENTORING AND TRANSI-
 2 TIONAL SERVICE GRANTS TO NONPROFIT ORGANIZA-
 3 TIONS.—

4 (1) IN GENERAL.—Section 211 of the Second
 5 Chance Act of 2007 (34 U.S.C. 60531) is amend-
 6 ed—

7 (A) in the header, by striking “**MEN-**
 8 **TORING GRANTS TO NONPROFIT ORGANI-**
 9 **ZATIONS**” and inserting “**COMMUNITY-**
 10 **BASED MENTORING AND TRANSITIONAL**
 11 **SERVICE GRANTS TO NONPROFIT ORGANI-**
 12 **ZATIONS**”;

13 (B) in subsection (a), by striking “men-
 14 toring and other”;

15 (C) in subsection (b), by striking para-
 16 graph (2) and inserting the following:

17 “(2) transitional services to assist in the re-
 18 integration of offenders into the community, includ-
 19 ing—

20 “(A) educational, literacy, and vocational,
 21 services and the Transitional Jobs strategy;

22 “(B) substance abuse treatment and serv-
 23 ices;

1 “(C) coordinated supervision and services
 2 for offenders, including physical health care and
 3 comprehensive housing and mental health care;

4 “(D) family services; and

5 “(E) validated assessment tools to assess
 6 the risk factors of returning inmates; and”; and

7 (D) in subsection (f), by striking “this sec-
 8 tion” and all that follows and inserting the fol-
 9 lowing: “this section \$15,000,000 for each of
 10 fiscal years 2019 through 2023.”.

11 (2) TABLE OF CONTENTS AMENDMENT.—The
 12 table of contents in section 2 of the Second Chance
 13 Act of 2007 (Public Law 110–199; 122 Stat. 657)
 14 is amended by striking the item relating to section
 15 211 and inserting the following:

“Sec. 211. Community-based mentoring and transitional service grants.”.

16 (g) DEFINITIONS.—

17 (1) IN GENERAL.—Section 4 of the Second
 18 Chance Act of 2007 (34 U.S.C. 60502) is amended
 19 to read as follows:

20 **“SEC. 4. DEFINITIONS.**

21 “In this Act—

22 “(1) the term ‘exoneree’ means an individual
 23 who—

1 “(A) has been convicted of a Federal, trib-
2 al, or State offense that is punishable by a term
3 of imprisonment of more than 1 year;

4 “(B) has served a term of imprisonment
5 for not less than 6 months in a Federal, tribal,
6 or State prison or correctional facility as a re-
7 sult of the conviction described in subparagraph
8 (A); and

9 “(C) has been determined to be factually
10 innocent of the offense described in subpara-
11 graph (A);

12 “(2) the term ‘Indian tribe’ has the meaning
13 given in section 901 of title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (34 U.S.C.
15 10251);

16 “(3) the term ‘offender’ includes an exoneree;
17 and

18 “(4) the term ‘Transitional Jobs strategy’
19 means an employment strategy for youth and adults
20 who are chronically unemployed or those that have
21 barriers to employment that—

22 “(A) is conducted by State, tribal, and
23 local governments, State, tribal, and local work-
24 force boards, and nonprofit organizations;

1 “(B) provides time-limited employment
2 using individual placements, team placements,
3 and social enterprise placements, without dis-
4 placing existing employees;

5 “(C) pays wages in accordance with appli-
6 cable law, but in no event less than the higher
7 of the rate specified in section 6(a)(1) of the
8 Fair Labor Standards Act of 1938 (29 U.S.C.
9 206(a)(1)) or the applicable State or local min-
10 imum wage law, which are subsidized, in whole
11 or in part, by public funds;

12 “(D) combines time-limited employment
13 with activities that promote skill development,
14 remove barriers to employment, and lead to un-
15 subsidized employment such as a thorough ori-
16 entation and individual assessment, job readi-
17 ness and life skills training, case management
18 and supportive services, adult education and
19 training, child support-related services, job re-
20 tention support and incentives, and other simi-
21 lar activities;

22 “(E) places participants into unsubsidized
23 employment; and

24 “(F) provides job retention, re-employment
25 services, and continuing and vocational edu-

1 cation to ensure continuing participation in un-
 2 subsidized employment and identification of op-
 3 portunities for advancement.”.

4 (2) TABLE OF CONTENTS AMENDMENT.—The
 5 table of contents in section 2 of the Second Chance
 6 Act of 2007 (Public Law 110–199; 122 Stat. 657)
 7 is amended by striking the item relating to section
 8 4 and inserting the following:

“Sec. 4. Definitions.”.

9 (h) EXTENSION OF THE LENGTH OF SECTION 2976
 10 GRANTS.—Section 6(1) of the Second Chance Act of 2007
 11 (34 U.S.C. 60504(1)) is amended by inserting “or under
 12 section 2976 of the Omnibus Crime Control and Safe
 13 Streets Act of 1968 (34 U.S.C. 10631)” after “and 212”.

14 **SEC. 503. AUDIT AND ACCOUNTABILITY OF GRANTEEES.**

15 (a) DEFINITIONS.—In this section—

16 (1) the term “covered grant program” means
 17 grants awarded under section 115, 201, or 211 of
 18 the Second Chance Act of 2007 (34 U.S.C. 60511,
 19 60521, and 60531), as amended by this title;

20 (2) the term “covered grantee” means a recipi-
 21 ent of a grant from a covered grant program;

22 (3) the term “nonprofit”, when used with re-
 23 spect to an organization, means an organization that
 24 is described in section 501(c)(3) of the Internal Rev-

1 enue Code of 1986, and is exempt from taxation
2 under section 501(a) of such Code; and

3 (4) the term “unresolved audit finding” means
4 an audit report finding in a final audit report of the
5 Inspector General of the Department of Justice that
6 a covered grantee has used grant funds awarded to
7 that grantee under a covered grant program for an
8 unauthorized expenditure or otherwise unallowable
9 cost that is not closed or resolved during a 12-month
10 period prior to the date on which the final audit re-
11 port is issued.

12 (b) AUDIT REQUIREMENT.—Beginning in fiscal year
13 2019, and annually thereafter, the Inspector General of
14 the Department of Justice shall conduct audits of covered
15 grantees to prevent waste, fraud, and abuse of funds
16 awarded under covered grant programs. The Inspector
17 General shall determine the appropriate number of cov-
18 ered grantees to be audited each year.

19 (c) MANDATORY EXCLUSION.—A grantee that is
20 found to have an unresolved audit finding under an audit
21 conducted under subsection (b) may not receive grant
22 funds under a covered grant program in the fiscal year
23 following the fiscal year to which the finding relates.

24 (d) REIMBURSEMENT.—If a covered grantee is
25 awarded funds under the covered grant program from

1 which it received a grant award during the 1-fiscal-year
 2 period during which the covered grantee is ineligible for
 3 an allocation of grant funds under subsection (c), the At-
 4 torney General shall—

5 (1) deposit into the General Fund of the Treas-
 6 ury an amount that is equal to the amount of the
 7 grant funds that were improperly awarded to the
 8 covered grantee; and

9 (2) seek to recoup the costs of the repayment
 10 to the Fund from the covered grantee that was im-
 11 properly awarded the grant funds.

12 (e) PRIORITY OF GRANT AWARDS.—The Attorney
 13 General, in awarding grants under a covered grant pro-
 14 gram shall give priority to eligible entities that during the
 15 2-year period preceding the application for a grant have
 16 not been found to have an unresolved audit finding.

17 (f) NONPROFIT REQUIREMENTS.—

18 (1) PROHIBITION.—A nonprofit organization
 19 that holds money in offshore accounts for the pur-
 20 pose of avoiding the tax described in section 511(a)
 21 of the Internal Revenue Code of 1986, shall not be
 22 eligible to receive, directly or indirectly, any funds
 23 from a covered grant program.

24 (2) DISCLOSURE.—Each nonprofit organization
 25 that is a covered grantee shall disclose in its applica-

1 tion for such a grant, as a condition of receipt of
2 such a grant, the compensation of its officers, direc-
3 tors, and trustees. Such disclosure shall include a
4 description of the criteria relied on to determine
5 such compensation.

6 (g) PROHIBITION ON LOBBYING ACTIVITY.—

7 (1) IN GENERAL.—Amounts made available
8 under a covered grant program may not be used by
9 any covered grantee to—

10 (A) lobby any representative of the Depart-
11 ment of Justice regarding the award of grant
12 funding; or

13 (B) lobby any representative of the Federal
14 Government or a State, local, or tribal govern-
15 ment regarding the award of grant funding.

16 (2) PENALTY.—If the Attorney General deter-
17 mines that a covered grantee has violated paragraph
18 (1), the Attorney General shall—

19 (A) require the covered grantee to repay
20 the grant in full; and

21 (B) prohibit the covered grantee from re-
22 ceiving a grant under the covered grant pro-
23 gram from which it received a grant award dur-
24 ing at least the 5-year period beginning on the
25 date of such violation.

1 **SEC. 504. FEDERAL REENTRY IMPROVEMENTS.**

2 (a) RESPONSIBLE REINTEGRATION OF OFFEND-
3 ERS.—Section 212 of the Second Chance Act of 2007 (34
4 U.S.C. 60532) is repealed.

5 (b) FEDERAL PRISONER REENTRY INITIATIVE.—
6 Section 231 of the Second Chance Act of 2007 (434
7 U.S.C. 60541) is amended—

8 (1) in subsection (g)—

9 (A) in paragraph (3), by striking “carried
10 out during fiscal years 2009 and 2010” and in-
11 serting “carried out during fiscal years 2019
12 through 2023”; and

13 (B) in paragraph (5)(A)(ii), by striking
14 “the greater of 10 years or”;

15 (2) by striking subsection (h);

16 (3) by redesignating subsection (i) as subsection
17 (h); and

18 (4) in subsection (h), as so redesignated, by
19 striking “2009 and 2010” and inserting “2019
20 through 2023”.

21 (c) ENHANCING REPORTING REQUIREMENTS PER-
22 TAINING TO COMMUNITY CORRECTIONS.—Section 3624(c)
23 of title 18, United States Code, is amended—

24 (1) in paragraph (5), in the second sentence, by
25 inserting “, and number of prisoners not being
26 placed in community corrections facilities for each

1 reason set forth” before “, and any other informa-
2 tion”; and

3 (2) in paragraph (6), by striking “the Second
4 Chance Act of 2007” and inserting “the Second
5 Chance Reauthorization Act of 2018”.

6 (d) TERMINATION OF STUDY ON EFFECTIVENESS OF
7 DEPOT NALTREXONE FOR HEROIN ADDICTION.—Section
8 244 of the Second Chance Act of 2007 (34 U.S.C. 60554)
9 is repealed.

10 (e) AUTHORIZATION OF APPROPRIATIONS FOR RE-
11 SEARCH.—Section 245 of the Second Chance Act of 2007
12 (34 U.S.C. 60555) is amended—

13 (1) by striking “243, and 244” and inserting
14 “and 243”; and

15 (2) by striking “\$10,000,000 for each of the
16 fiscal years 2009 and 2010” and inserting
17 “\$5,000,000 for each of the fiscal years 2019, 2020,
18 2021, 2022, and 2023”.

19 (f) FEDERAL PRISONER RECIDIVISM REDUCTION
20 PROGRAMMING ENHANCEMENT.—

21 (1) IN GENERAL.—Section 3621 of title 18,
22 United States Code, as amended by section 102(a)
23 of this Act, is amended—

24 (A) by redesignating subsection (g) as sub-
25 section (i); and

1 (B) by inserting after subsection (f) the
2 following:

3 “(g) PARTNERSHIPS TO EXPAND ACCESS TO RE-
4 ENTRY PROGRAMS PROVEN TO REDUCE RECIDIVISM.—

5 “(1) DEFINITION.—The term ‘demonstrated to
6 reduce recidivism’ means that the Director of Bu-
7 reau of Prisons has determined that appropriate re-
8 search has been conducted and has validated the ef-
9 fectiveness of the type of program on recidivism.

10 “(2) ELIGIBILITY FOR RECIDIVISM REDUCTION
11 PARTNERSHIP.—A faith-based or community-based
12 nonprofit organization that provides mentoring or
13 other programs that have been demonstrated to re-
14 duce recidivism is eligible to enter into a recidivism
15 reduction partnership with a prison or community-
16 based facility operated by the Bureau of Prisons.

17 “(3) RECIDIVISM REDUCTION PARTNERSHIPS.—
18 The Director of the Bureau of Prisons shall develop
19 policies to require wardens of prisons and commu-
20 nity-based facilities to enter into recidivism reduc-
21 tion partnerships with faith-based and community-
22 based nonprofit organizations that are willing to pro-
23 vide, on a volunteer basis, programs described in
24 paragraph (2).

1 “(4) REPORTING REQUIREMENT.—The Director
2 of the Bureau of Prisons shall submit to Congress
3 an annual report on the last day of each fiscal year
4 that—

5 “(A) details, for each prison and commu-
6 nity-based facility for the fiscal year just
7 ended—

8 “(i) the number of recidivism reduc-
9 tion partnerships under this section that
10 were in effect;

11 “(ii) the number of volunteers that
12 provided recidivism reduction program-
13 ming; and

14 “(iii) the number of recidivism reduc-
15 tion programming hours provided; and

16 “(B) explains any disparities between fa-
17 cilities in the numbers reported under subpara-
18 graph (A).”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by paragraph (1) shall take effect 180 days after the
21 date of enactment of this Act.

22 (g) REPEALS.—

23 (1) Section 2978 of title I of the Omnibus
24 Crime Control and Safe Streets Act of 1968 (34
25 U.S.C. 10633) is repealed.

1 (2) Part CC of title I of the Omnibus Crime
2 Control and Safe Streets Act of 1968 (34 U.S.C.
3 10581 et seq.) is repealed.

4 **SEC. 505. FEDERAL INTERAGENCY REENTRY COORDINA-**
5 **TION.**

6 (a) REENTRY COORDINATION.—The Attorney Gen-
7 eral, in consultation with the Secretary of Housing and
8 Urban Development, the Secretary of Labor, the Secretary
9 of Education, the Secretary of Health and Human Serv-
10 ices, the Secretary of Veterans Affairs, the Secretary of
11 Agriculture, and the heads of such other agencies of the
12 Federal Government as the Attorney General considers
13 appropriate, and in collaboration with interested persons,
14 service providers, nonprofit organizations, and State, trib-
15 al, and local governments, shall coordinate on Federal pro-
16 grams, policies, and activities relating to the reentry of
17 individuals returning from incarceration to the commu-
18 nity, with an emphasis on evidence-based practices and
19 protection against duplication of services.

20 (b) REPORT.—Not later than 2 years after the date
21 of the enactment of this Act, the Attorney General, in con-
22 sultation with the Secretaries listed in subsection (a), shall
23 submit to Congress a report summarizing the achieve-
24 ments under subsection (a), and including recommenda-

1 tions for Congress that would further reduce barriers to
2 successful reentry.

3 **SEC. 506. CONFERENCE EXPENDITURES.**

4 (a) LIMITATION.—No amounts authorized to be ap-
5 propriated to the Department of Justice under this title,
6 or any amendments made by this title, may be used by
7 the Attorney General, or by any individual or organization
8 awarded discretionary funds under this title, or any
9 amendments made by this title, to host or support any
10 expenditure for conferences that uses more than \$20,000
11 in Department funds, unless the Deputy Attorney General
12 or such Assistant Attorney Generals, Directors, or prin-
13 cipal deputies as the Deputy Attorney General may des-
14 ignate, provides prior written authorization that the funds
15 may be expended to host a conference. A conference that
16 uses more than \$20,000 in such funds, but less than an
17 average of \$500 in such funds for each attendee of the
18 conference, shall not be subject to the limitations of this
19 section.

20 (b) WRITTEN APPROVAL.—Written approval under
21 subsection (a) shall include a written estimate of all costs
22 associated with the conference, including the cost of all
23 food and beverages, audiovisual equipment, honoraria for
24 speakers, and any entertainment.

1 (c) REPORT.—The Deputy Attorney General shall
2 submit an annual report to the Committee on the Judici-
3 ary of the Senate and the Committee on the Judiciary of
4 the House of Representatives on all approved conference
5 expenditures referenced in this section.

6 **SEC. 507. EVALUATION OF THE SECOND CHANCE ACT PRO-**
7 **GRAM.**

8 (a) EVALUATION OF THE SECOND CHANCE ACT
9 GRANT PROGRAM.—Not later than 5 years after the date
10 of enactment of this Act, the National Institute of Justice
11 shall evaluate the effectiveness of grants used by the De-
12 partment of Justice to support offender reentry and recidi-
13 vism reduction programs at the State, local, Tribal, and
14 Federal levels. The National Institute of Justice shall
15 evaluate the following:

16 (1) The effectiveness of such programs in rela-
17 tion to their cost, including the extent to which the
18 programs improve reentry outcomes, including em-
19 ployment, education, housing, reductions in recidi-
20 vism, of participants in comparison to comparably
21 situated individuals who did not participate in such
22 programs and activities.

23 (2) The effectiveness of program structures and
24 mechanisms for delivery of services.

1 (3) The impact of such programs on the com-
2 munities and participants involved.

3 (4) The impact of such programs on related
4 programs and activities.

5 (5) The extent to which such programs meet
6 the needs of various demographic groups.

7 (6) The quality and effectiveness of technical
8 assistance provided by the Department of Justice to
9 grantees for implementing such programs.

10 (7) Such other factors as may be appropriate.

11 (b) AUTHORIZATION OF FUNDS FOR EVALUATION.—

12 Not more than 1 percent of any amounts authorized to
13 be appropriated to carry out the Second Chance Act grant
14 program shall be made available to the National Institute
15 of Justice each year to evaluate the processes, implemen-
16 tation, outcomes, costs, and effectiveness of the Second
17 Chance Act grant program in improving reentry and re-
18 ducing recidivism. Such funding may be used to provide
19 support to grantees for supplemental data collection, anal-
20 ysis, and coordination associated with evaluation activities.

21 (c) TECHNIQUES.—Evaluations conducted under this
22 section shall use appropriate methodology and research
23 designs. Impact evaluations conducted under this section
24 shall include the use of intervention and control groups

1 chosen by random assignment methods, to the extent pos-
2 sible.

3 (d) METRICS AND OUTCOMES FOR EVALUATION.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the National
6 Institute of Justice shall consult with relevant stake-
7 holders and identify outcome measures, including
8 employment, housing, education, and public safety,
9 that are to be achieved by programs authorized
10 under the Second Chance Act grant program and
11 the metrics by which the achievement of such out-
12 comes shall be determined.

13 (2) PUBLICATION.—Not later than 30 days
14 after the date on which the National Institute of
15 Justice identifies metrics and outcomes under para-
16 graph (1), the Attorney General shall publish such
17 metrics and outcomes identified.

18 (e) DATA COLLECTION.—As a condition of award
19 under the Second Chance Act grant program (including
20 a subaward under section 3021(b) of title I of the Omni-
21 bus Crime Control and Safe Streets Act of 1968 (34
22 U.S.C. 10701(b))), grantees shall be required to collect
23 and report to the Department of Justice data based upon
24 the metrics identified under subsection (d). In accordance
25 with applicable law, collection of individual-level data

1 under a pledge of confidentiality shall be protected by the
2 National Institute of Justice in accordance with such
3 pledge.

4 (f) DATA ACCESSIBILITY.—Not later than 5 years
5 after the date of enactment of this Act, the National Insti-
6 tute of Justice shall—

7 (1) make data collected during the course of
8 evaluation under this section available in de-identi-
9 fied form in such a manner that reasonably protects
10 a pledge of confidentiality to participants under sub-
11 section (e); and

12 (2) make identifiable data collected during the
13 course of evaluation under this section available to
14 qualified researchers for future research and evalua-
15 tion, in accordance with applicable law.

16 (g) PUBLICATION AND REPORTING OF EVALUATION
17 FINDINGS.—The National Institute of Justice shall—

18 (1) not later than 365 days after the date on
19 which the enrollment of participants in an impact
20 evaluation is completed, publish an interim report on
21 such evaluation;

22 (2) not later than 90 days after the date on
23 which any evaluation is completed, publish and make
24 publicly available such evaluation; and

1 (3) not later than 60 days after the completion
2 date described in paragraph (2), submit a report to
3 the Committee on the Judiciary of the House of
4 Representatives and the Committee on the Judiciary
5 of the Senate on such evaluation.

6 (h) SECOND CHANCE ACT GRANT PROGRAM DE-
7 FINED.—In this section, the term “Second Chance Act
8 grant program” means any grant program reauthorized
9 under this title and the amendments made by this title.

10 **SEC. 508. GAO REVIEW.**

11 Not later than 3 years after the date of enactment
12 of the First Step Act of 2018 the Comptroller General
13 of the United States shall conduct a review of all of the
14 grant awards made under this title and amendments made
15 by this title that includes—

16 (1) an evaluation of the effectiveness of the re-
17 entry programs funded by grant awards under this
18 title and amendments made by this title at reducing
19 recidivism, including a determination of which re-
20 entry programs were most effective;

21 (2) recommendations on how to improve the ef-
22 fectiveness of reentry programs, including those for
23 which prisoners may earn time credits under the
24 First Step Act of 2018; and

(3) an evaluation of the effectiveness of mental health services, drug treatment, medical care, job training and placement, educational services, and vocational services programs funded under this title and amendments made by this title.

TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.

Section 3621(b) of title 18, United States Code, is amended—

(1) by striking “shall designate the place of the prisoner’s imprisonment.” and inserting “shall designate the place of the prisoner’s imprisonment, and shall, subject to bed availability, the prisoner’s security designation, the prisoner’s programmatic needs, the prisoner’s mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner’s primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner’s preference for

1 staying at his or her current facility or being trans-
2 ferred, transfer prisoners to facilities that are closer
3 to the prisoner's primary residence even if the pris-
4 oner is already in a facility within 500 driving miles
5 of that residence.”; and

6 (2) by adding at the end the following: “Not-
7 withstanding any other provision of law, a designa-
8 tion of a place of imprisonment under this sub-
9 section is not reviewable by any court.”.

10 **SEC. 602. HOME CONFINEMENT FOR LOW-RISK PRISONERS.**

11 Section 3624(c)(2) of title 18, United States Code,
12 is amended by adding at the end the following: “The Bu-
13 reau of Prisons shall, to the extent practicable, place pris-
14 oners with lower risk levels and lower needs on home con-
15 finement for the maximum amount of time permitted
16 under this paragraph.”.

17 **SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAU-**

18 **THORIZATION; MODIFICATION OF IMPOSED**

19 **TERM OF IMPRISONMENT.**

20 (a) **FEDERAL PRISONER REENTRY INITIATIVE RE-**
21 **AUTHORIZATION.**—Section 231(g) of the Second Chance
22 Act of 2007 (34 U.S.C. 60541(g)) is amended—

23 (1) in paragraph (1)—

1 (A) by inserting “and eligible terminally ill
2 offenders” after “elderly offenders” each place
3 the term appears;

4 (B) in subparagraph (A), by striking “a
5 Bureau of Prisons facility” and inserting “Bu-
6 reau of Prisons facilities”;

7 (C) in subparagraph (B)—

8 (i) by striking “the Bureau of Prisons
9 facility” and inserting “Bureau of Prisons
10 facilities”; and

11 (ii) by inserting “, upon written re-
12 quest from either the Bureau of Prisons or
13 an eligible elderly offender or eligible ter-
14 minally ill offender” after “to home deten-
15 tion”; and

16 (D) in subparagraph (C), by striking “the
17 Bureau of Prisons facility” and inserting “Bu-
18 reau of Prisons facilities”;

19 (2) in paragraph (2), by inserting “or eligible
20 terminally ill offender” after “elderly offender”;

21 (3) in paragraph (3), as amended by section
22 504(b)(1)(A) of this Act, by striking “at least one
23 Bureau of Prisons facility” and inserting “Bureau of
24 Prisons facilities”; and

25 (4) in paragraph (4)—

(A) by inserting “or eligible terminally ill offender” after “each eligible elderly offender”; and

(B) by inserting “and eligible terminally ill offenders” after “eligible elderly offenders”; and

(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i), striking “65 years of age” and inserting “60 years of age”; and

(ii) in clause (ii), as amended by section 504(b)(1)(B) of this Act, by striking “75 percent” and inserting “ $\frac{2}{3}$ ”; and

(B) by adding at the end the following:

“(D) ELIGIBLE TERMINALLY ILL OFFENDER.—The term ‘eligible terminally ill offender’ means an offender in the custody of the Bureau of Prisons who—

“(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act

1 (34 U.S.C. 20911(5))), offense described
 2 in section 2332b(g)(5)(B) of title 18,
 3 United States Code, or offense under chap-
 4 ter 37 of title 18, United States Code;

5 “(ii) satisfies the criteria specified in
 6 clauses (iii) through (vii) of subparagraph
 7 (A); and

8 “(iii) has been determined by a med-
 9 ical doctor approved by the Bureau of
 10 Prisons to be—

11 “(I) in need of care at a nursing
 12 home, intermediate care facility, or
 13 assisted living facility, as those terms
 14 are defined in section 232 of the Na-
 15 tional Housing Act (12 U.S.C.
 16 1715w); or

17 “(II) diagnosed with a terminal
 18 illness.”.

19 (b) INCREASING THE USE AND TRANSPARENCY OF
 20 COMPASSIONATE RELEASE.—Section 3582 of title 18,
 21 United States Code, is amended—

22 (1) in subsection (c)(1)(A), in the matter pre-
 23 ceding clause (i), by inserting after “Bureau of Pris-
 24 ons,” the following: “or upon motion of the defend-
 25 ant after the defendant has fully exhausted all ad-

1 ministrative rights to appeal a failure of the Bureau
 2 of Prisons to bring a motion on the defendant's be-
 3 half or the lapse of 30 days from the receipt of such
 4 a request by the warden of the defendant's facility,
 5 whichever is earlier,";

6 (2) by redesignating subsection (d) as sub-
 7 section (e); and

8 (3) by inserting after subsection (c) the fol-
 9 lowing:

10 “(d) NOTIFICATION REQUIREMENTS.—

11 “(1) TERMINAL ILLNESS DEFINED.—In this
 12 subsection, the term ‘terminal illness’ means a dis-
 13 ease or condition with an end-of-life trajectory.

14 “(2) NOTIFICATION.—The Bureau of Prisons
 15 shall, subject to any applicable confidentiality re-
 16 quirements—

17 “(A) in the case of a defendant diagnosed
 18 with a terminal illness—

19 “(i) not later than 72 hours after the
 20 diagnosis notify the defendant's attorney,
 21 partner, and family members of the de-
 22 fendant's condition and inform the defend-
 23 ant's attorney, partner, and family mem-
 24 bers that they may prepare and submit on
 25 the defendant's behalf a request for a sen-

1 tence reduction pursuant to subsection
2 (c)(1)(A);

3 “(ii) not later than 7 days after the
4 date of the diagnosis, provide the defend-
5 ant’s partner and family members (includ-
6 ing extended family) with an opportunity
7 to visit the defendant in person;

8 “(iii) upon request from the defendant
9 or his attorney, partner, or a family mem-
10 ber, ensure that Bureau of Prisons employ-
11 ees assist the defendant in the preparation,
12 drafting, and submission of a request for a
13 sentence reduction pursuant to subsection
14 (c)(1)(A); and

15 “(iv) not later than 14 days of receipt
16 of a request for a sentence reduction sub-
17 mitted on the defendant’s behalf by the de-
18 fendant or the defendant’s attorney, part-
19 ner, or family member, process the re-
20 quest;

21 “(B) in the case of a defendant who is
22 physically or mentally unable to submit a re-
23 quest for a sentence reduction pursuant to sub-
24 section (c)(1)(A)—

1 “(i) inform the defendant’s attorney,
2 partner, and family members that they
3 may prepare and submit on the defend-
4 ant’s behalf a request for a sentence reduc-
5 tion pursuant to subsection (c)(1)(A);

6 “(ii) accept and process a request for
7 sentence reduction that has been prepared
8 and submitted on the defendant’s behalf by
9 the defendant’s attorney, partner, or fam-
10 ily member under clause (i); and

11 “(iii) upon request from the defendant
12 or his attorney, partner, or family member,
13 ensure that Bureau of Prisons employees
14 assist the defendant in the preparation,
15 drafting, and submission of a request for a
16 sentence reduction pursuant to subsection
17 (c)(1)(A); and

18 “(C) ensure that all Bureau of Prisons fa-
19 cilities regularly and visibly post, including in
20 prisoner handbooks, staff training materials,
21 and facility law libraries and medical and hos-
22 pice facilities, and make available to prisoners
23 upon demand, notice of—

1 “(i) a defendant’s ability to request a
2 sentence reduction pursuant to subsection
3 (c)(1)(A);

4 “(ii) the procedures and timelines for
5 initiating and resolving requests described
6 in clause (i); and

7 “(iii) the right to appeal a denial of a
8 request described in clause (i) after all ad-
9 ministrative rights to appeal within the
10 Bureau of Prisons have been exhausted.

11 “(3) ANNUAL REPORT.—Not later than 1 year
12 after the date of enactment of this subsection, and
13 once every year thereafter, the Director of the Bu-
14 reau of Prisons shall submit to the Committee on
15 the Judiciary of the Senate and the Committee on
16 the Judiciary of the House of Representatives a re-
17 port on requests for sentence reductions pursuant to
18 subsection (c)(1)(A), which shall include a descrip-
19 tion of, for the previous year—

20 “(A) the number of prisoners granted and
21 denied sentence reductions, categorized by the
22 criteria relied on as the grounds for a reduction
23 in sentence;

24 “(B) the number of requests initiated by
25 or on behalf of prisoners, categorized by the cri-

1 teria relied on as the grounds for a reduction
2 in sentence;

3 “(C) the number of requests that Bureau
4 of Prisons employees assisted prisoners in
5 drafting, preparing, or submitting, categorized
6 by the criteria relied on as the grounds for a re-
7 duction in sentence, and the final decision made
8 in each request;

9 “(D) the number of requests that attor-
10 neys, partners, or family members submitted on
11 a defendant’s behalf, categorized by the criteria
12 relied on as the grounds for a reduction in sen-
13 tence, and the final decision made in each re-
14 quest;

15 “(E) the number of requests approved by
16 the Director of the Bureau of Prisons, cat-
17 egorized by the criteria relied on as the grounds
18 for a reduction in sentence;

19 “(F) the number of requests denied by the
20 Director of the Bureau of Prisons and the rea-
21 sons given for each denial, categorized by the
22 criteria relied on as the grounds for a reduction
23 in sentence;

24 “(G) for each request, the time elapsed be-
25 tween the date the request was received by the

1 warden and the final decision, categorized by
2 the criteria relied on as the grounds for a re-
3 duction in sentence;

4 “(H) for each request, the number of pris-
5 oners who died while their request was pending
6 and, for each, the amount of time that had
7 elapsed between the date the request was re-
8 ceived by the Bureau of Prisons, categorized by
9 the criteria relied on as the grounds for a re-
10 duction in sentence;

11 “(I) the number of Bureau of Prisons noti-
12 fications to attorneys, partners, and family
13 members of their right to visit a terminally ill
14 defendant as required under paragraph
15 (2)(A)(ii) and, for each, whether a visit oc-
16 curred and how much time elapsed between the
17 notification and the visit;

18 “(J) the number of visits to terminally ill
19 prisoners that were denied by the Bureau of
20 Prisons due to security or other concerns, and
21 the reasons given for each denial; and

22 “(K) the number of motions filed by de-
23 fendants with the court after all administrative
24 rights to appeal a denial of a sentence reduction
25 had been exhausted, the outcome of each mo-

tion, and the time that had elapsed between the date the request was first received by the Bureau of Prisons and the date the defendant filed the motion with the court.”.

SEC. 604. IDENTIFICATION FOR RETURNING CITIZENS.

(a) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—Section 231(b) of the Second Chance Act of 2007 (34 U.S.C. 60541(b)) is amended—

(1) in paragraph (1)—

(A) by striking “(including” and inserting “prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including”;

and

(B) by striking “or birth certificate) prior to release” and inserting “and a birth certificate”; and

(2) by adding at the end the following:

“(4) DEFINITION.—In this subsection, the term ‘community confinement’ means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility.”.

1 (b) DUTIES OF THE BUREAU OF PRISONS.—Section
2 4042(a) of title 18, United States Code, is amended—

3 (1) by redesignating paragraphs (D) and (E) as
4 paragraphs (6) and (7), respectively;

5 (2) in paragraph (6) (as so redesignated)—

6 (A) in clause (i)—

7 (i) by striking “Social Security
8 Cards,”; and

9 (ii) by striking “and” at the end;

10 (B) by redesignating clause (ii) as clause
11 (iii);

12 (C) by inserting after clause (i) the fol-
13 lowing:

14 “(ii) obtain identification, including a
15 social security card, driver’s license or
16 other official photo identification, and a
17 birth certificate; and”;

18 (D) in clause (iii) (as so redesignated), by
19 inserting after “prior to release” the following:
20 “from a sentence to a term of imprisonment in
21 a Federal prison or if the individual was not
22 sentenced to a term of imprisonment in a Fed-
23 eral prison, prior to release from a sentence to
24 a term of community confinement”; and

1 (E) by redesignating clauses (i), (ii), and
 2 (iii) (as so amended) as subparagraphs (A),
 3 (B), and (C), respectively, and adjusting the
 4 margins accordingly; and
 5 (3) in paragraph (7) (as so redesignated), by
 6 redesignating clauses (i) through (vii) as subpara-
 7 graphs (A) through (G), respectively, and adjusting
 8 the margins accordingly.

9 **SEC. 605. EXPANDING INMATE EMPLOYMENT THROUGH**
 10 **FEDERAL PRISON INDUSTRIES.**

11 (a) NEW MARKET AUTHORIZATIONS.—Chapter 307
 12 of title 18, United States Code, is amended by inserting
 13 after section 4129 the following:

14 **“§ 4130. Additional markets**

15 “(a) IN GENERAL.—Except as provided in subsection
 16 (b), notwithstanding any other provision of law, Federal
 17 Prison Industries may sell products to—

18 “(1) public entities for use in penal or correc-
 19 tional institutions;

20 “(2) public entities for use in disaster relief or
 21 emergency response;

22 “(3) the government of the District of Colum-
 23 bia; and

24 “(4) any organization described in subsection
 25 (c)(3), (c)(4), or (d) of section 501 of the Internal

1 Revenue Code of 1986 that is exempt from taxation
 2 under section 501(a) of such Code.

3 “(b) OFFICE FURNITURE.—Federal Prison Indus-
 4 tries may not sell office furniture to the organizations de-
 5 scribed in subsection (a)(4).

6 “(c) DEFINITIONS.—In this section:

7 “(1) The term ‘office furniture’ means any
 8 product or service offering intended to meet the fur-
 9 nishing needs of the workplace, including office,
 10 healthcare, educational, and hospitality environ-
 11 ments.

12 “(2) The term ‘public entity’ means a State, a
 13 subdivision of a State, an Indian tribe, and an agen-
 14 cy or governmental corporation or business of any of
 15 the foregoing.

16 “(3) The term ‘State’ means a State, the Dis-
 17 trict of Columbia, the Commonwealth of Puerto
 18 Rico, Guam, American Samoa, the Northern Mar-
 19 iana Islands, and the United States Virgin Islands.”.

20 (b) TECHNICAL AMENDMENT.—The table of sections
 21 for chapter 307 of title 18, United States Code, is amend-
 22 ed by inserting after the item relating to section 4129 the
 23 following:

“4130. Additional markets.”.

24 (c) DEFERRED COMPENSATION.—Section 4126(c)(4)
 25 of title 18, United States Code, is amended by inserting

1 after “operations,” the following: “not less than 15 per-
2 cent of such compensation for any inmate shall be reserved
3 in the fund or a separate account and made available to
4 assist the inmate with costs associated with release from
5 prison,”.

6 (d) GAO REPORT.—Beginning not later than 90 days
7 after the date of enactment of this Act, the Comptroller
8 General of the United States shall conduct an audit of
9 Federal Prison Industries that includes the following:

10 (1) An evaluation of Federal Prison Industries’s
11 effectiveness in reducing recidivism compared to
12 other rehabilitative programs in the prison system.

13 (2) An evaluation of the scope and size of the
14 additional markets made available to Federal Prison
15 Industries under this section and the total market
16 value that would be opened up to Federal Prison In-
17 dustries for competition with private sector providers
18 of products and services.

19 (3) An evaluation of whether the following fac-
20 tors create an unfair competitive environment be-
21 tween Federal Prison Industries and private sector
22 providers of products and services which would be
23 exacerbated by further expansion:

24 (A) Federal Prison Industries’s status as a
25 mandatory source of supply for Federal agen-

1 cies and the requirement that the buying agen-
2 cy must obtain a waiver in order to make a
3 competitive purchase from the private sector if
4 the item to be acquired is listed on the schedule
5 of products and services published by Federal
6 Prison Industries.

7 (B) Federal Prison Industries's ability to
8 determine that the price to be paid by Federal
9 Agencies is fair and reasonable, rather than
10 such a determination being made by the buying
11 agency.

12 (C) An examination of the extent to which
13 Federal Prison Industries is bound by the re-
14 quirements of the generally applicable Federal
15 Acquisition Regulation pertaining to the con-
16 formity of the delivered product with the speci-
17 fied design and performance specifications and
18 adherence to the delivery schedule required by
19 the Federal agency, based on the transactions
20 being categorized as interagency transfers.

21 (D) An examination of the extent to which
22 Federal Prison Industries avoids transactions
23 that are little more than pass through trans-
24 actions where the work provided by inmates

1 does not create meaningful value or meaningful
2 work opportunities for inmates.

3 (E) The extent to which Federal Prison
4 Industries must comply with the same worker
5 protection, workplace safety and similar regula-
6 tions applicable to, and enforceable against,
7 Federal contractors.

8 (F) The wages Federal Prison Industries
9 pays to inmates, taking into account inmate
10 productivity and other factors such as security
11 concerns associated with having a facility in a
12 prison.

13 (G) The effect of any additional cost ad-
14 vantages Federal Prison Industries has over
15 private sector providers of goods and services,
16 including—

17 (i) the costs absorbed by the Bureau
18 of Prisons such as inmate medical care and
19 infrastructure expenses including real es-
20 tate and utilities; and

21 (ii) its exemption from Federal and
22 State income taxes and property taxes.

23 (4) An evaluation of the extent to which the
24 customers of Federal Prison Industries are satisfied
25 with quality, price, and timely delivery of the prod-

1 ucts and services provided it provides, including
2 summaries of other independent assessments such as
3 reports of agency inspectors general, if applicable.

4 **SEC. 606. DE-ESCALATION TRAINING.**

5 Beginning not later than 1 year after the date of en-
6 actment of this Act, the Director of the Bureau of Prisons
7 shall incorporate into training programs provided to offi-
8 cers and employees of the Bureau of Prisons (including
9 officers and employees of an organization with which the
10 Bureau of Prisons has a contract to provide services relat-
11 ing to imprisonment) specialized and comprehensive train-
12 ing in procedures to—

13 (1) de-escalate encounters between a law en-
14 forcement officer or an officer or employee of the
15 Bureau of Prisons, and a civilian or a prisoner (as
16 such term is defined in section 3635 of title 18,
17 United States Code, as added by section 101(a) of
18 this Act); and

19 (2) identify and appropriately respond to inci-
20 dents that involve the unique needs of individuals
21 who have a mental illness or cognitive deficit.

22 **SEC. 607. EVIDENCE-BASED TREATMENT FOR OPIOID AND**
23 **HEROIN ABUSE.**

24 (a) REPORT ON EVIDENCE-BASED TREATMENT FOR
25 OPIOID AND HEROIN ABUSE.—Not later than 90 days

1 after the date of enactment of this Act, the Director of
2 the Bureau of Prisons shall submit to the Committees on
3 the Judiciary and the Committees on Appropriations of
4 the Senate and of the House of Representatives a report
5 assessing the availability of and the capacity of the Bureau
6 of Prisons to treat heroin and opioid abuse through evi-
7 dence-based programs, including medication-assisted
8 treatment where appropriate. In preparing the report, the
9 Director shall consider medication-assisted treatment as
10 a strategy to assist in treatment where appropriate and
11 not as a replacement for holistic and other drug-free ap-
12 proaches. The report shall include a description of plans
13 to expand access to evidence-based treatment for heroin
14 and opioid abuse for prisoners, including access to medica-
15 tion-assisted treatment in appropriate cases. Following
16 submission, the Director shall take steps to implement
17 these plans.

18 (b) REPORT ON THE AVAILABILITY OF MEDICATION-
19 ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,
20 AND IMPLEMENTATION THEREOF.—Not later than 120
21 days after the date of enactment of this Act, the Director
22 of the Administrative Office of the United States Courts
23 shall submit to the Committees on the Judiciary and the
24 Committees on Appropriations of the Senate and of the
25 House of Representatives a report assessing the avail-

1 ability of and capacity for the provision of medication-as-
2 sisted treatment for opioid and heroin abuse by treatment
3 service providers serving prisoners who are serving a term
4 of supervised release, and including a description of plans
5 to expand access to medication-assisted treatment for her-
6 oin and opioid abuse whenever appropriate among pris-
7 oners under supervised release. Following submission, the
8 Director will take steps to implement these plans.

9 **SEC. 608. PILOT PROGRAMS.**

10 (a) IN GENERAL.—The Bureau of Prisons shall es-
11 tablish each of the following pilot programs for 5 years,
12 in at least 20 facilities:

13 (1) MENTORSHIP FOR YOUTH.—A program to
14 pair youth with volunteers from faith-based or com-
15 munity organizations, which may include formerly
16 incarcerated offenders, that have relevant experience
17 or expertise in mentoring, and a willingness to serve
18 as a mentor in such a capacity.

19 (2) SERVICE TO ABANDONED, RESCUED, OR
20 OTHERWISE VULNERABLE ANIMALS.—A program to
21 equip prisoners with the skills to provide training
22 and therapy to animals seized by Federal law en-
23 forcement under asset forfeiture authority and to or-
24 ganizations that provide shelter and similar services

1 to abandoned, rescued, or otherwise vulnerable ani-
 2 mals.

3 (b) REPORTING REQUIREMENT.—Not later than 1
 4 year after the conclusion of the pilot programs, the Attor-
 5 ney General shall report to Congress on the results of the
 6 pilot programs under this section. Such report shall in-
 7 clude cost savings, numbers of participants, and informa-
 8 tion about recidivism rates among participants.

9 (c) DEFINITION.—In this title, the term “youth”
 10 means a prisoner (as such term is defined in section 3635
 11 of title 18, United States Code, as added by section 101(a)
 12 of this Act) who was 21 years of age or younger at the
 13 time of the commission or alleged commission of the crimi-
 14 nal offense for which the individual is being prosecuted
 15 or serving a term of imprisonment, as the case may be.

16 **SEC. 609. ENSURING SUPERVISION OF RELEASED SEXU-**
 17 **ALLY DANGEROUS PERSONS.**

18 (a) PROBATION OFFICERS.—Section 3603 of title 18,
 19 United States Code, is amended in paragraph (8)(A) by
 20 striking “or 4246” and inserting “, 4246, or 4248”.

21 (b) PRETRIAL SERVICES OFFICERS.—Section 3154
 22 of title 18, United States Code, is amended in paragraph
 23 (12)(A) by striking “or 4246” and inserting “, 4246, or
 24 4248”.

1 **SEC. 610. DATA COLLECTION.**

2 (a) NATIONAL PRISONER STATISTICS PROGRAM.—
3 Beginning not later than 1 year after the date of enact-
4 ment of this Act, and annually thereafter, pursuant to the
5 authority under section 302 of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (42 U.S.C. 3732), the Direc-
7 tor of the Bureau of Justice Statistics, with information
8 that shall be provided by the Director of the Bureau of
9 Prisons, shall include in the National Prisoner Statistics
10 Program the following:

11 (1) The number of prisoners (as such term is
12 defined in section 3635 of title 18, United States
13 Code, as added by section 101(a) of this Act) who
14 are veterans of the Armed Forces of the United
15 States.

16 (2) The number of prisoners who have been
17 placed in solitary confinement at any time during
18 the previous year.

19 (3) The number of female prisoners known by
20 the Bureau of Prisons to be pregnant, as well as the
21 outcomes of such pregnancies, including information
22 on pregnancies that result in live birth, stillbirth,
23 miscarriage, abortion, ectopic pregnancy, maternal
24 death, neonatal death, and preterm birth.

25 (4) The number of prisoners who volunteered to
26 participate in a substance abuse treatment program,

1 and the number of prisoners who have participated
2 in such a program.

3 (5) The number of prisoners provided medica-
4 tion-assisted treatment with medication approved by
5 the Food and Drug Administration while in custody
6 in order to treat substance use disorder.

7 (6) The number of prisoners who were receiving
8 medication-assisted treatment with medication ap-
9 proved by the Food and Drug Administration prior
10 to the commencement of their term of imprisonment.

11 (7) The number of prisoners who are the parent
12 or guardian of a minor child.

13 (8) The number of prisoners who are single,
14 married, or otherwise in a committed relationship.

15 (9) The number of prisoners who have not
16 achieved a GED, high school diploma, or equivalent
17 prior to entering prison.

18 (10) The number of prisoners who, during the
19 previous year, received their GED or other equiva-
20 lent certificate while incarcerated.

21 (11) The numbers of prisoners for whom
22 English is a second language.

23 (12) The number of incidents, during the pre-
24 vious year, in which restraints were used on a female
25 prisoner during pregnancy, labor, or postpartum re-

1 covery, as well as information relating to the type of
2 restraints used, and the circumstances under which
3 each incident occurred.

4 (13) The vacancy rate for medical and
5 healthcare staff positions, and average length of
6 such a vacancy.

7 (14) The number of facilities that operated, at
8 any time during the previous year, without at least
9 1 clinical nurse, certified paramedic, or licensed phy-
10 sician on site.

11 (15) The number of facilities that during the
12 previous year were accredited by the American Cor-
13 rectional Association.

14 (16) The number and type of recidivism reduc-
15 tion partnerships described in section 3621(h)(5) of
16 title 18, United States Code, as added by section
17 102(a) of this Act, entered into by each facility.

18 (17) The number of facilities with remote learn-
19 ing capabilities.

20 (18) The number of facilities that offer pris-
21 oners video conferencing.

22 (19) Any changes in costs related to legal phone
23 calls and visits following implementation of section
24 3632(d)(1) of title 18, United States Code, as added
25 by section 101(a) of this Act.

1 (20) The number of aliens in prison during the
2 previous year.

3 (21) For each Bureau of Prisons facility, the
4 total number of violations that resulted in reductions
5 in rewards, incentives, or time credits, the number
6 of such violations for each category of violation, and
7 the demographic breakdown of the prisoners who
8 have received such reductions.

9 (22) The number of assaults on Bureau of Pris-
10 ons staff by prisoners and the number of criminal
11 prosecutions of prisoners for assaulting Bureau of
12 Prisons staff.

13 (23) The capacity of each recidivism reduction
14 program and productive activity to accommodate eli-
15 gible inmates at each Bureau of Prisons facility.

16 (24) The number of volunteers who were cer-
17 tified to volunteer in a Bureau of Prisons facility,
18 broken down by level (level I and level II), and by
19 each Bureau of Prisons facility.

20 (25) The number of prisoners enrolled in recidi-
21 vism reduction programs and productive activities at
22 each Bureau of Prisons facility, broken down by risk
23 level and by program, and the number of those en-
24 rolled prisoners who successfully completed each pro-
25 gram.

1 (26) The breakdown of prisoners classified at
2 each risk level by demographic characteristics, in-
3 cluding age, sex, race, and the length of the sentence
4 imposed.

5 (b) REPORT TO JUDICIARY COMMITTEES.—Begin-
6 ning not later than 1 year after the date of enactment
7 of this Act, and annually thereafter for a period of 7 years,
8 the Director of the Bureau of Justice Statistics shall sub-
9 mit a report containing the information described in para-
10 graphs (1) through (26) of subsection (a) to the Com-
11 mittee on the Judiciary of the Senate and the Committee
12 on the Judiciary of the House of Representatives.

13 **SEC. 611. HEALTHCARE PRODUCTS.**

14 (a) AVAILABILITY.—The Director of the Bureau of
15 Prisons shall make the healthcare products described in
16 subsection (c) available to prisoners for free, in a quantity
17 that is appropriate to the healthcare needs of each pris-
18 oner.

19 (b) QUALITY PRODUCTS.—The Director shall ensure
20 that the healthcare products provided under this section
21 conform with applicable industry standards.

22 (c) PRODUCTS.—The healthcare products described
23 in this subsection are tampons and sanitary napkins.

1 **SEC. 612. ADULT AND JUVENILE COLLABORATION PRO-**
 2 **GRAMS.**

3 Section 2991 of title I of the Omnibus Crime Control
 4 and Safe Streets Act of 1968 (34 U.S.C. 10651) is amend-
 5 ed—

6 (1) in subsection (b)(4)—

7 (A) by striking subparagraph (D); and

8 (B) by redesignating subparagraph (E) as
 9 subparagraph (D);

10 (2) in subsection (e), by striking “may use up
 11 to 3 percent” and inserting “shall use not less than
 12 6 percent”; and

13 (3) by amending subsection (g) to read as fol-
 14 lows:

15 “(g) **COLLABORATION SET-ASIDE.**—The Attorney
 16 General shall use not less than 8 percent of funds appro-
 17 priated to provide technical assistance to State and local
 18 governments receiving grants under this part to foster col-
 19 laboration between such governments in furtherance of the
 20 purposes set forth in section 3 of the Mentally Ill Offender
 21 Treatment and Crime Reduction Act of 2004 (34 U.S.C.
 22 10651 note).”.

23 **SEC. 613. JUVENILE SOLITARY CONFINEMENT.**

24 (a) **IN GENERAL.**—Chapter 403 of title 18, United
 25 States Code, is amended by adding at the end the fol-
 26 lowing:

1 **“§ 5043. Juvenile solitary confinement**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘covered juvenile’ means—

4 “(A) a juvenile who—

5 “(i) is being proceeded against under
6 this chapter for an alleged act of juvenile
7 delinquency; or

8 “(ii) has been adjudicated delinquent
9 under this chapter; or

10 “(B) a juvenile who is being proceeded
11 against as an adult in a district court of the
12 United States for an alleged criminal offense;

13 “(2) the term ‘juvenile facility’ means any facil-
14 ity where covered juveniles are—

15 “(A) committed pursuant to an adjudica-
16 tion of delinquency under this chapter; or

17 “(B) detained prior to disposition or con-
18 viction; and

19 “(3) the term ‘room confinement’ means the in-
20 voluntary placement of a covered juvenile alone in a
21 cell, room, or other area for any reason.

22 “(b) PROHIBITION ON ROOM CONFINEMENT IN JU-
23 VENILE FACILITIES.—

24 “(1) IN GENERAL.—The use of room confine-
25 ment at a juvenile facility for discipline, punishment,
26 retaliation, or any reason other than as a temporary

1 response to a covered juvenile’s behavior that poses
 2 a serious and immediate risk of physical harm to
 3 any individual, including the covered juvenile, is pro-
 4 hibited.

5 “(2) JUVENILES POSING RISK OF HARM.—

6 “(A) REQUIREMENT TO USE LEAST RE-
 7 STRICTIVE TECHNIQUES.—

8 “(i) IN GENERAL.—Before a staff
 9 member of a juvenile facility places a cov-
 10 ered juvenile in room confinement, the
 11 staff member shall attempt to use less re-
 12 strictive techniques, including—

13 “(I) talking with the covered ju-
 14 venile in an attempt to de-escalate the
 15 situation; and

16 “(II) permitting a qualified men-
 17 tal health professional to talk to the
 18 covered juvenile.

19 “(ii) EXPLANATION.—If, after at-
 20 tempting to use less restrictive techniques
 21 as required under clause (i), a staff mem-
 22 ber of a juvenile facility decides to place a
 23 covered juvenile in room confinement, the
 24 staff member shall first—

1 “(I) explain to the covered juve-
2 nile the reasons for the room confine-
3 ment; and

4 “(II) inform the covered juvenile
5 that release from room confinement
6 will occur—

7 “(aa) immediately when the
8 covered juvenile regains self-con-
9 trol, as described in subpara-
10 graph (B)(i); or

11 “(bb) not later than after
12 the expiration of the time period
13 described in subclause (I) or (II)
14 of subparagraph (B)(ii), as appli-
15 cable.

16 “(B) MAXIMUM PERIOD OF CONFINE-
17 MENT.—If a covered juvenile is placed in room
18 confinement because the covered juvenile poses
19 a serious and immediate risk of physical harm
20 to himself or herself, or to others, the covered
21 juvenile shall be released—

22 “(i) immediately when the covered ju-
23 venile has sufficiently gained control so as
24 to no longer engage in behavior that
25 threatens serious and immediate risk of

1 physical harm to himself or herself, or to
 2 others; or

3 “(ii) if a covered juvenile does not suf-
 4 ficiently gain control as described in clause
 5 (i), not later than—

6 “(I) 3 hours after being placed in
 7 room confinement, in the case of a
 8 covered juvenile who poses a serious
 9 and immediate risk of physical harm
 10 to others; or

11 “(II) 30 minutes after being
 12 placed in room confinement, in the
 13 case of a covered juvenile who poses a
 14 serious and immediate risk of physical
 15 harm only to himself or herself.

16 “(C) RISK OF HARM AFTER MAXIMUM PE-
 17 RIOD OF CONFINEMENT.—If, after the applica-
 18 ble maximum period of confinement under sub-
 19 clause (I) or (II) of subparagraph (B)(ii) has
 20 expired, a covered juvenile continues to pose a
 21 serious and immediate risk of physical harm de-
 22 scribed in that subclause—

23 “(i) the covered juvenile shall be
 24 transferred to another juvenile facility or
 25 internal location where services can be pro-

1 vided to the covered juvenile without rely-
2 ing on room confinement; or

3 “(ii) if a qualified mental health pro-
4 fessional believes the level of crisis service
5 needed is not currently available, a staff
6 member of the juvenile facility shall ini-
7 tiate a referral to a location that can meet
8 the needs of the covered juvenile.

9 “(D) SPIRIT AND PURPOSE.—The use of
10 consecutive periods of room confinement to
11 evade the spirit and purpose of this subsection
12 shall be prohibited.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—

14 The table of sections for chapter 403 of title 18, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

“5043. Juvenile solitary confinement.”.

Calendar No. 731

115TH CONGRESS
2D Session

S. 3747

A BILL

To provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

DECEMBER 13, 2018

Read the second time and placed on the calendar