



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

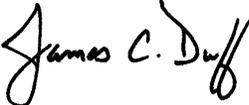
JAMES C. DUFF  
Director

WASHINGTON, D.C. 20544

December 27, 2018

MEMORANDUM

To: Judges, United States Courts of Appeals  
Judges, United States District Courts  
United States Magistrate Judges  
Federal Public/Community Defenders  
Chief Probation Officers  
Chief Pretrial Services Officers

From: James C. Duff 

RE: PUBLIC LAW 115-\_\_\_, THE FIRST STEP ACT OF 2018 **(INFORMATION)**

On December 21, 2018, the President signed S. 756, the “First Step Act of 2018” (P.L. 115-\_\_\_)<sup>1</sup> (“the Act”). A copy of the Act is attached (attachment 1). This memorandum briefly summarizes the Act, which implements sweeping reforms to the criminal justice system, including sentencing and prison reform.

- Regarding prison reform, Title I of S. 756 requires the Bureau of Prisons to create a system of risk and needs assessment and recidivism reduction programming, through which qualified prisoners (excluding those convicted of specified offenses) can earn time towards early release to the community. The early release may occur by transfer to prerelease custody (to be served either in home confinement or at a residential reentry center) or to supervised release (up to 12 months before the projected expiration of the prison sentence). Consistent with Judicial Conference policy, judges will not be involved in deciding whether a prisoner will receive early release. We anticipate that the supervision of persons released early to the community will fall on the federal Probation and Pretrial Services System.

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<sup>1</sup> Although the President has signed this bill, the new law does not yet have a Public Law number. The Office of the Federal Register at the National Archives and Records Administration has informed us that they will not assign Public Law numbers during a government shutdown. Presumably, one will be assigned after the shutdown ends.

- Regarding sentencing reform, Title IV reduces and targets mandatory minimum sentences for prior drug felons; broadens the existing safety valve; eliminates stacking under Section 924(c) of Title 18; and, retroactively applies the Fair Sentencing Act of 2010. These reforms are consistent with Judicial Conference policy.
- Title V reauthorizes the Second Chance Act of 2007.
- Section 603(b) reforms 18 U.S.C. § 3582(c)(1)(A) to allow prisoners to bring motions directly to federal court “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier”.
- Section 607(b) requires the AO Director to report to Congress within 120 days of enactment and describe the availability of, and plans to expand access to, medication-assisted treatment for opioid and heroin abuse in the probation system.
- Section 609 enacts a Judicial Conference position to ensure the supervision of sexually dangerous persons who have been conditionally released from civil commitment.

By letter dated November 30, 2018 (attachment 2), I shared with the Senate Judiciary Committee our views regarding S. 3649, the most recent legislative predecessor to S. 756. The AO’s Probation and Pretrial Services Office will engage in a thorough analysis of the Act and will share that analysis with the courts; questions may be directed to Stephen Vance in the Probation and Pretrial Services Office at 202-502-2636.

#### Attachments

cc: Circuit Executives  
District Court Executives  
Clerks, United States Courts of Appeals  
Clerks, United States District Courts

***In the Senate of the United States,***

*December 18, 2018.*

*Resolved,* That the Senate agree to the amendment of the House of Representatives to the bill (S. 756) entitled “An Act to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.”, with the following

**SENATE AMENDMENT TO HOUSE AMENDMENT:**

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert the following:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

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

4       (b) *TABLE OF CONTENTS.*—*The table of contents for*  
5 *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.*

1                   **TITLE I—RECIDIVISM**  
 2                   **REDUCTION**

3 **SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.**

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

7                   “SUBCHAPTER D—RISK AND NEEDS  
 8                   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.*

9 **“§ 3631. Duties of the Attorney General**

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

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

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

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

17                   “(4) *the Director of the National Institute of*  
 18 *Justice;*

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

21                   “(6) *the Independent Review Committee author-*  
 22 *ized 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 the*  
4 *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 analysis*  
9 *on—*

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

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

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

20               “(D) *products purchased by Federal agen-*  
21 *cies that are manufactured overseas and could be*  
22 *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 website  
3           the risk and needs assessment system, which review  
4           shall include—

5                   “(A) any subsequent changes to the risk and  
6                   needs assessment system made after the date of  
7                   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 assessment  
13                  of each prisoner’s risk of recidivism on indica-  
14                  tors of progress and of regression that are dy-  
15                  namic 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 the*  
10 *date of enactment of this subchapter, the Attorney General,*  
11 *in consultation with the Independent Review Committee*  
12 *authorized by the First Step Act of 2018, shall develop and*  
13 *release publicly on the Department of Justice website a risk*  
14 *and needs assessment system (referred to in this subchapter*  
15 *as the ‘System’), which shall be used to—*

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

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

23 *“(3) determine the type and amount of evidence-*  
24 *based recidivism reduction programming that is ap-*  
25 *propriate for each prisoner and assign each prisoner*

1 to such programming accordingly, and based on the  
2 prisoner's specific criminogenic needs, and in accord-  
3 ance with subsection (b);

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

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

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

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

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

20 “(6) determine when to provide incentives and  
21 rewards for successful participation in evidence-based  
22 recidivism reduction programs or productive activi-  
23 ties 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 tech-*  
5           *nology for program course materials with an under-*  
6           *standing of dyslexia.*

7 *In carrying out this subsection, the Attorney General may*  
8 *use existing risk and needs assessment tools, as appropriate.*

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

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

17           “(2) *information on the best ways that the Bu-*  
18 *reau of Prisons can tailor the programs to the specific*  
19 *criminogenic needs of each prisoner so as to most ef-*  
20 *fectively lower each prisoner’s risk of recidivism.*

21           “(c) *HOUSING AND ASSIGNMENT DECISIONS.—The*  
22 *System shall provide guidance on program grouping and*  
23 *housing assignment determinations and, after accounting*  
24 *for the safety of each prisoner and other individuals at the*  
25 *prison, provide that prisoners with a similar risk level be*

1 *grouped together in housing and assignment decisions to the*  
2 *extent practicable.*

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

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

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

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

18               “(2) *TRANSFER TO INSTITUTION CLOSER TO RE-*  
19 *LEASE RESIDENCE.—A prisoner who is successfully*  
20 *participating in an evidence-based recidivism reduc-*  
21 *tion program shall be considered by the Bureau of*  
22 *Prisons for placement in a facility closer to the pris-*  
23 *oner’s release residence upon request from the prisoner*  
24 *and subject to—*

1           “(A) *bed availability at the transfer facil-*  
2           *ity;*

3           “(B) *the prisoner’s security designation;*  
4           *and*

5           “(C) *the recommendation from the warden*  
6           *of the prison at which the prisoner is incarcerated*  
7           *at the time of making the request.*

8           “(3) *ADDITIONAL POLICIES.—The Director of the*  
9           *Bureau of Prisons shall develop additional policies to*  
10           *provide appropriate incentives for successful partici-*  
11           *pation and completion of evidence-based recidivism*  
12           *reduction programming. The incentives shall include*  
13           *not less than 2 of the following:*

14           “(A) *Increased commissary spending limits*  
15           *and product offerings.*

16           “(B) *Extended opportunities to access the*  
17           *email system.*

18           “(C) *Consideration of transfer to preferred*  
19           *housing units (including transfer to different*  
20           *prison facilities).*

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

24           “(4) *TIME CREDITS.—*

1           “(A) *IN GENERAL.*—A prisoner, except for  
2           an ineligible prisoner under subparagraph (D),  
3           who successfully completes evidence-based recidi-  
4           vism reduction programming or productive ac-  
5           tivities, shall earn time credits as follows:

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

11                  “(ii) A prisoner determined by the Bu-  
12                  reau of Prisons to be at a minimum or low  
13                  risk for recidivating, who, over 2 consec-  
14                  utive assessments, has not increased their  
15                  risk of recidivism, shall earn an additional  
16                  5 days of time credits for every 30 days of  
17                  successful participation in evidence-based  
18                  recidivism reduction programming or pro-  
19                  ductive activities.

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

24                   “(i) prior to the date of enactment of  
25                   this subchapter; or

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

4           “(C) APPLICATION OF TIME CREDITS TO-  
5           WARD PRERELEASE CUSTODY OR SUPERVISED  
6           RELEASE.—Time credits earned under this para-  
7           graph by prisoners who successfully participate  
8           in recidivism reduction programs or productive  
9           activities shall be applied toward time in  
10          prerelease custody or supervised release. The Di-  
11          rector of the Bureau of Prisons shall transfer eli-  
12          gible prisoners, as determined under section  
13          3624(g), into prerelease custody or supervised re-  
14          lease.

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

20                  “(i) Section 32, relating to destruction  
21                  of aircraft or aircraft facilities.

22                  “(ii) Section 33, relating to destruction  
23                  of motor vehicles or motor vehicle facilities.

24                  “(iii) Section 36, relating to drive-by  
25                  shootings.

1           “(iv) Section 81, relating to arson  
2           *within special maritime and territorial ju-*  
3           *risdiction.*

4           “(v) Section 111(b), relating to as-  
5           *saulting, resisting, or impeding certain offi-*  
6           *cers or employees using a deadly or dan-*  
7           *gerous weapon or inflicting bodily injury.*

8           “(vi) Paragraph (1), (7), or (8) of sec-  
9           *tion 113(a), relating to assault with intent*  
10           *to commit murder, assault resulting in sub-*  
11           *stantial bodily injury to a spouse or inti-*  
12           *mate partner, a dating partner, or an indi-*  
13           *vidual who has not attained the age of 16*  
14           *years, or assault of a spouse, intimate part-*  
15           *ner, or dating partner by strangling, suffo-*  
16           *cating, or attempting to strangle or suf-*  
17           *focate.*

18           “(vii) Section 115, relating to influ-  
19           *encing, impeding, or retaliating against a*  
20           *Federal official by injuring a family mem-*  
21           *ber, except for a threat made in violation of*  
22           *that section.*

23           “(viii) Section 116, relating to female  
24           *genital mutilation.*

1           “(ix) Section 117, relating to domestic  
2 assault by a habitual offender.

3           “(x) Any section of chapter 10, relating  
4 to biological weapons.

5           “(xi) Any section of chapter 11B, relat-  
6 ing to chemical weapons.

7           “(xii) Section 351, relating to Congres-  
8 sional, Cabinet, and Supreme Court assas-  
9 sination, kidnapping, and assault.

10           “(xiii) Section 521, relating to crimi-  
11 nal street gangs.

12           “(xiv) Section 751, relating to pris-  
13 oners in custody of an institution or officer.

14           “(xv) Section 793, relating to gath-  
15 ering, transmitting, or losing defense infor-  
16 mation.

17           “(xvi) Section 794, relating to gath-  
18 ering or delivering defense information to  
19 aid a foreign government.

20           “(xvii) Any section of chapter 39, re-  
21 lating to explosives and other dangerous ar-  
22 ticles, except for section 836 (relating to the  
23 transportation of fireworks into a State  
24 prohibiting sale or use).

1           “(xviii) Section 842(p), relating to dis-  
2           tribution of information relating to explo-  
3           sives, destructive devices, and weapons of  
4           mass destruction, but only if the conviction  
5           involved a weapon of mass destruction (as  
6           defined in section 2332a(c)).

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

10          “(xx) Section 871, relating to threats  
11          against the President and successors to the  
12          Presidency.

13          “(xxi) Section 879, relating to threats  
14          against former Presidents and certain other  
15          persons.

16          “(xxii) Section 924(c), relating to un-  
17          lawful possession or use of a firearm during  
18          and in relation to any crime of violence or  
19          drug trafficking crime.

20          “(xxiii) Section 1030(a)(1), relating to  
21          fraud and related activity in connection  
22          with computers.

23          “(xxiv) Section 1091, relating to geno-  
24          cide.

1           “(xxv) Any section of chapter 51, relat-  
2           ing to homicide, except for section 1112 (re-  
3           lating to manslaughter), 1113 (relating to  
4           attempt to commit murder or manslaughter,  
5           but only if the conviction was for an at-  
6           tempt to commit manslaughter), 1115 (re-  
7           lating to misconduct or neglect of ship offi-  
8           cers), or 1122 (relating to protection  
9           against the human immunodeficiency  
10          virus).

11          “(xxvi) Any section of chapter 55, re-  
12          lating to kidnapping.

13          “(xxvii) Any offense under chapter 77,  
14          relating to peonage, slavery, and trafficking  
15          in persons, except for sections 1593 through  
16          1596.

17          “(xxviii) Section 1751, relating to  
18          Presidential and Presidential staff assas-  
19          sination, kidnapping, and assault.

20          “(xxix) Section 1791, relating to pro-  
21          viding or possessing contraband in prison.

22          “(xxx) Section 1792, relating to mu-  
23          tiny and riots.

1           “(xxxi) Section 1841(a)(2)(C), relating  
2           to intentionally killing or attempting to kill  
3           an unborn child.

4           “(xxxii) Section 1992, relating to ter-  
5           rorist attacks and other violence against  
6           railroad carriers and against mass trans-  
7           portation systems on land, on water, or  
8           through the air.

9           “(xxxiii) Section 2113(e), relating to  
10          bank robbery resulting in death.

11          “(xxxiv) Section 2118(c), relating to  
12          robberies and burglaries involving controlled  
13          substances resulting in assault, putting in  
14          jeopardy the life of any person by the use  
15          of a dangerous weapon or device, or death.

16          “(xxxv) Section 2119, relating to tak-  
17          ing a motor vehicle (commonly referred to  
18          as ‘carjacking’).

19          “(xxxvi) Any section of chapter 105,  
20          relating to sabotage, except for section 2152.

21          “(xxxvii) Any section of chapter 109A,  
22          relating to sexual abuse.

23          “(xxxviii) Section 2250, relating to  
24          failure to register as a sex offender.

1           “(xxxix) Section 2251, relating to the  
2           sexual exploitation of children.

3           “(xl) Section 2251A, relating to the  
4           selling or buying of children.

5           “(xli) Section 2252, relating to certain  
6           activities relating to material involving the  
7           sexual exploitation of minors.

8           “(xlii) Section 2252A, relating to cer-  
9           tain activities involving material consti-  
10          tuting or containing child pornography.

11          “(xliii) Section 2260, relating to the  
12          production of sexually explicit depictions of  
13          a minor for importation into the United  
14          States.

15          “(xliv) Section 2283, relating to the  
16          transportation of explosive, biological, chem-  
17          ical, or radioactive or nuclear materials.

18          “(xlv) Section 2284, relating to the  
19          transportation of terrorists.

20          “(xlvi) Section 2291, relating to the de-  
21          struction of a vessel or maritime facility,  
22          but only if the conduct that led to the con-  
23          viction involved a substantial risk of death  
24          or serious bodily injury.

1           “(xlvii) Any section of chapter 113B,  
2 relating to terrorism.

3           “(xlviii) Section 2340A, relating to  
4 torture.

5           “(xlix) Section 2381, relating to trea-  
6 son.

7           “(l) Section 2442, relating to the re-  
8 cruitment or use of child soldiers.

9           “(li) An offense described in section  
10 3559(c)(2)(F), for which the offender was  
11 sentenced to a term of imprisonment of  
12 more than 1 year, if the offender has a pre-  
13 vious conviction, for which the offender  
14 served a term of imprisonment of more than  
15 1 year, for a Federal or State offense, by  
16 whatever designation and wherever com-  
17 mitted, consisting of murder (as described  
18 in section 1111), voluntary manslaughter  
19 (as described in section 1112), assault with  
20 intent to commit murder (as described in  
21 section 113(a)), aggravated sexual abuse  
22 and sexual abuse (as described in sections  
23 2241 and 2242), abusive sexual contact (as  
24 described in sections 2244(a)(1) and (a)(2)),  
25 kidnapping (as described in chapter 55),

1           *carjacking (as described in section 2119),*  
2           *arson (as described in section 844(f)(3), (h),*  
3           *or (i)), or terrorism (as described in chapter*  
4           *113B).*

5           *“(lii) Section 57(b) of the Atomic En-*  
6           *ergy Act of 1954 (42 U.S.C. 2077(b)), relat-*  
7           *ing to the engagement or participation in*  
8           *the development or production of special nu-*  
9           *clear material.*

10           *“(liii) Section 92 of the Atomic Energy*  
11           *Act of 1954 (42 U.S.C. 2122), relating to*  
12           *prohibitions governing atomic weapons.*

13           *“(liv) Section 101 of the Atomic En-*  
14           *ergy Act of 1954 (42 U.S.C. 2131), relating*  
15           *to the atomic energy license requirement.*

16           *“(lv) Section 224 or 225 of the Atomic*  
17           *Energy Act of 1954 (42 U.S.C. 2274, 2275),*  
18           *relating to the communication or receipt of*  
19           *restricted data.*

20           *“(lvi) Section 236 of the Atomic En-*  
21           *ergy Act of 1954 (42 U.S.C. 2284), relating*  
22           *to the sabotage of nuclear facilities or fuel.*

23           *“(lvii) Section 60123(b) of title 49, re-*  
24           *lating to damaging or destroying a pipeline*  
25           *facility, but only if the conduct which led to*

1           *the conviction involved a substantial risk of*  
2           *death or serious bodily injury.*

3           “(lviii) Section 401(a) of the Con-  
4           *trolled Substances Act (21 U.S.C. 841), re-*  
5           *lating to manufacturing or distributing a*  
6           *controlled substance in the case of a convic-*  
7           *tion for an offense described in subpara-*  
8           *graph (A), (B), or (C) of subsection (b)(1)*  
9           *of that section for which death or serious*  
10           *bodily injury resulted from the use of such*  
11           *substance.*

12           “(lix) Section 276(a) of the Immigra-  
13           *tion and Nationality Act (8 U.S.C. 1326),*  
14           *relating to the reentry of a removed alien,*  
15           *but only if the alien is described in para-*  
16           *graph (1) or (2) of subsection (b) of that*  
17           *section.*

18           “(lx) Section 277 of the Immigration  
19           *and Nationality Act (8 U.S.C. 1327), relat-*  
20           *ing to aiding or assisting certain aliens to*  
21           *enter the United States.*

22           “(lxi) Section 278 of the Immigration  
23           *and Nationality Act (8 U.S.C. 1328), relat-*  
24           *ing to the importation of an alien into the*  
25           *United States for an immoral purpose.*

1           “(lxii) Any section of the Export Ad-  
2           ministration Act of 1979 (50 U.S.C. 4611 et  
3           seq.)

4           “(lxiii) Section 206 of the Inter-  
5           national Emergency Economic Powers Act  
6           (50 U.S.C. 1705).

7           “(lxiv) Section 601 of the National Se-  
8           curity Act of 1947 (50 U.S.C. 3121), relat-  
9           ing to the protection of identities of certain  
10          United States undercover intelligence offi-  
11          cers, agents, informants, and sources.

12          “(lxv) Subparagraph (A)(i) or (B)(i)  
13          of section 401(b)(1) of the Controlled Sub-  
14          stances Act (21 U.S.C. 841(b)(1)) or para-  
15          graph (1)(A) or (2)(A) of section 1010(b) of  
16          the Controlled Substances Import and Ex-  
17          port Act (21 U.S.C. 960(b)), relating to  
18          manufacturing, distributing, dispensing, or  
19          possessing with intent to manufacture, dis-  
20          tribute, dispense, or knowingly importing or  
21          exporting, a mixture or substance con-  
22          taining a detectable amount of heroin if the  
23          sentencing court finds that the offender was  
24          an organizer, leader, manager, or supervisor  
25          of others in the offense, as determined under

1           *the guidelines promulgated by the United*  
2           *States Sentencing Commission.*

3           “(l<sup>xvi</sup>) Subparagraph (A)(vi) or  
4           (B)(vi) of section 401(b)(1) of the Controlled  
5           Substances Act (21 U.S.C. 841(b)(1)) or  
6           paragraph (1)(F) or (2)(F) of section  
7           1010(b) of the Controlled Substances Import  
8           and Export Act (21 U.S.C. 960(b)), relating  
9           to manufacturing, distributing, dispensing,  
10          or possessing with intent to manufacture,  
11          distribute, or dispense, a mixture or sub-  
12          stance containing a detectable amount of N-  
13          phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]  
14          propanamide, or any analogue thereof.

15          “(l<sup>xvii</sup>) Subparagraph (A)(viii) or  
16          (B)(viii) of section 401(b)(1) of the Con-  
17          trolled Substances Act (21 U.S.C. 841(b)(1))  
18          or paragraph (1)(H) or (2)(H) of section  
19          1010(b) the Controlled Substances Import  
20          and Export Act (21 U.S.C. 960(b)), relating  
21          to manufacturing, distributing, dispensing,  
22          or possessing with intent to manufacture,  
23          distribute, or dispense, or knowingly im-  
24          porting or exporting, a mixture of substance  
25          containing a detectable amount of meth-

1           *amphetamine, its salts, isomers, or salts of*  
2           *its isomers, if the sentencing court finds*  
3           *that the offender was an organizer, leader,*  
4           *manager, or supervisor of others in the of-*  
5           *fense, as determined under the guidelines*  
6           *promulgated by the United States Sen-*  
7           *tencing Commission.*

8           “(lxxviii) *Subparagraph (A) or (B) of*  
9           *section 401(b)(1) of the Controlled Sub-*  
10           *stances Act (21 U.S.C. 841(b)(1)) or para-*  
11           *graph (1) or (2) of section 1010(b) of the*  
12           *Controlled Substances Import and Export*  
13           *Act (21 U.S.C. 960(b)), relating to manu-*  
14           *facturing, distributing, dispensing, or pos-*  
15           *sessing with intent to manufacture, dis-*  
16           *tribute, or dispense, a controlled substance,*  
17           *or knowingly importing or exporting a con-*  
18           *trolled substance, if the sentencing court*  
19           *finds that—*

20                   “(I) *the offense involved a mixture*  
21                   *or substance containing a detectable*  
22                   *amount of N-phenyl-N-[1-(2-*  
23                   *phenylethyl)-4-piperidinyl]*  
24                   *propanamide, or any analogue thereof;*  
25                   *and*

1                   “(II) *the offender was an orga-*  
2                   *nizer, leader, manager, or supervisor of*  
3                   *others in the offense, as determined*  
4                   *under the guidelines promulgated by*  
5                   *the United States Sentencing Commis-*  
6                   *sion.*

7                   “(E) *DEPORTABLE PRISONERS INELIGIBLE*  
8                   *TO APPLY TIME CREDITS.—*

9                   “(i) *IN GENERAL.—A prisoner is ineli-*  
10                   *gible to apply time credits under subpara-*  
11                   *graph (C) if the prisoner is the subject of a*  
12                   *final order of removal under any provision*  
13                   *of the immigration laws (as such term is*  
14                   *defined in section 101(a)(17) of the Immi-*  
15                   *gration and Nationality Act (8 U.S.C.*  
16                   *1101(a)(17))).*

17                   “(ii) *PROCEEDINGS.—The Attorney*  
18                   *General, in consultation with the Secretary*  
19                   *of Homeland Security, shall ensure that*  
20                   *any alien described in section 212 or 237 of*  
21                   *the Immigration and Nationality Act (8*  
22                   *U.S.C. 1182, 1227) who seeks to earn time*  
23                   *credits are subject to proceedings described*  
24                   *in section 238(a) of that Act (8 U.S.C.*

1                   1228(a)) at a date as early as practicable  
2                   during the prisoner's incarceration.

3                   “(5) *RISK REASSESSMENTS AND LEVEL ADJUST-*  
4                   *MENT.*—A prisoner who successfully participates in  
5                   evidence-based recidivism reduction programming or  
6                   productive activities shall receive periodic risk reas-  
7                   sessments not less often than annually, and a prisoner  
8                   determined to be at a medium or high risk of  
9                   recidivating and who has less than 5 years until his  
10                  or her projected release date shall receive more fre-  
11                  quent risk reassessments. If the reassessment shows  
12                  that the prisoner's risk of recidivating or specific  
13                  needs have changed, the Bureau of Prisons shall up-  
14                  date the determination of the prisoner's risk of  
15                  recidivating or information regarding the prisoner's  
16                  specific needs and reassign the prisoner to appro-  
17                  priate evidence-based recidivism reduction program-  
18                  ming or productive activities based on such changes.

19                  “(6) *RELATION TO OTHER INCENTIVE PRO-*  
20                  *GRAMS.*—The incentives described in this subsection  
21                  shall be in addition to any other rewards or incen-  
22                  tives for which a prisoner may be eligible.

23                  “(e) *PENALTIES.*—The Director of the Bureau of Pris-  
24                  ons shall develop guidelines for the reduction of rewards and  
25                  incentives earned under subsection (d) for prisoners who

1 *violate prison rules or evidence-based recidivism reduction*  
2 *program or productive activity rules, which shall provide—*

3           “(1) *general levels of violations and resulting re-*  
4 *ductions;*

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

11           “(3) *for a procedure to restore time credits that*  
12 *a prisoner lost as a result of a rule violation, based*  
13 *on the prisoner’s individual progress after the date of*  
14 *the rule violation.*

15           “(f) *BUREAU OF PRISONS TRAINING.—The Attorney*  
16 *General shall develop and implement training programs for*  
17 *Bureau of Prisons officers and employees responsible for ad-*  
18 *ministering the System, which shall include—*

19           “(1) *initial training to educate officers and em-*  
20 *ployees on how to use the System in an appropriate*  
21 *and consistent manner, as well as the reasons for*  
22 *using the System;*

23           “(2) *continuing education;*

24           “(3) *periodic training updates; and*

1           “(4) a requirement that such officers and em-  
2           ployees demonstrate competence in administering the  
3           System, including interrater reliability, on a bian-  
4           nual basis.

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

11          “(h) *DYSLEXIA SCREENING.*—

12           “(1) *SCREENING.*—The Attorney General shall  
13           incorporate a dyslexia screening program into the  
14           System, including by screening for dyslexia during—

15                   “(A) the intake process; and

16                   “(B) each periodic risk reassessment of a  
17           prisoner.

18           “(2) *TREATMENT.*—The Attorney General shall  
19           incorporate programs designed to treat dyslexia into  
20           the evidence-based recidivism reduction programs or  
21           productive activities required to be implemented  
22           under this section. The Attorney General may also in-  
23           corporate programs designed to treat other learning  
24           disabilities.

1 **“§ 3633. Evidence-based recidivism reduction program**  
2 **and recommendations**

3 “(a) *IN GENERAL.*—Prior to releasing the System, in  
4 consultation with the Independent Review Committee au-  
5 thorized by the First Step Act of 2018, the Attorney General  
6 shall—

7 “(1) review the effectiveness of evidence-based re-  
8 cidivism reduction programs that exist as of the date  
9 of enactment of this subchapter in prisons operated by  
10 the Bureau of Prisons;

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

15 “(3) identify the most effective evidence-based re-  
16 cidivism reduction programs;

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

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

21 “(A) evidence-based recidivism reduction  
22 programs;

23 “(B) the ability for faith-based organiza-  
24 tions to function as a provider of educational  
25 evidence-based programs outside of the religious

1           *classes and services provided through the Chap-*  
2           *laincy; and*

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

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

10           “(1) *reviewing statistics on the prevalence of*  
11           *dyslexia, and the effectiveness of any programs imple-*  
12           *mented to mitigate the effects of dyslexia, in prisons*  
13           *operated by the Bureau of Prisons and State-operated*  
14           *prisons throughout the United States; and*

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

19           **“§ 3634. Report**

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

1 *Committees on Appropriations of the Senate and the House*  
2 *of Representatives that contains the following:*

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

6           “(2) *A summary and assessment of the types and*  
7 *effectiveness of the evidence-based recidivism reduction*  
8 *programs and productive activities in prisons oper-*  
9 *ated by the Bureau of Prisons, including—*

10           “(A) *evidence about which programs have*  
11 *been shown to reduce recidivism;*

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

16           “(C) *identification of any gaps or shortages*  
17 *in capacity of such programs and activities.*

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

21           “(A) *The primary offense of conviction.*

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

1           “(C) *The Bureau of Prisons facility or fa-*  
2           *ilities in which the prisoner’s sentence was*  
3           *served.*

4           “(D) *The evidence-based recidivism reduc-*  
5           *tion programming that the prisoner successfully*  
6           *completed, if any.*

7           “(E) *The prisoner’s assessed and reassessed*  
8           *risk of recidivism.*

9           “(F) *The productive activities that the pris-*  
10          *oner successfully completed, if any.*

11          “(4) *The status of prison work programs at fa-*  
12          *cilities operated by the Bureau of Prisons, includ-*  
13          *ing—*

14               “(A) *a strategy to expand the availability of*  
15               *such programs without reducing job opportuni-*  
16               *ties for workers in the United States who are not*  
17               *in the custody of the Bureau of Prisons, includ-*  
18               *ing the feasibility of prisoners manufacturing*  
19               *products purchased by Federal agencies that are*  
20               *manufactured overseas;*

21               “(B) *an assessment of the feasibility of ex-*  
22               *panding such programs, consistent with the*  
23               *strategy required under subparagraph (A), with*  
24               *the goal that 5 years after the date of enactment*  
25               *of this subchapter, not less than 75 percent of eli-*

1            *gible minimum- and low-risk offenders have the*  
2            *opportunity to participate in a prison work pro-*  
3            *gram for not less than 20 hours per week; and*

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

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

10           *“(6) An assessment of progress made toward car-*  
11           *rying out the purposes of this subchapter, including*  
12           *any savings associated with—*

13           *“(A) the transfer of prisoners into prerelease*  
14           *custody or supervised release under section*  
15           *3624(g), including savings resulting from the*  
16           *avoidance or deferral of future construction, ac-*  
17           *quisition, and operations costs; and*

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

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

24           *“(A) a summary of the amount of savings*  
25           *resulting from the transfer of prisoners into*

1        *prerelease custody under this chapter, including*  
2        *savings resulting from the avoidance or deferral*  
3        *of future construction, acquisition, or operations*  
4        *costs;*

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

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

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

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

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

22                        *“(i) increase investment in law en-*  
23        *forcement and crime prevention to combat*  
24        *gangs of national significance and high-*  
25        *level drug traffickers through the High In-*

1           *tensity Drug Trafficking Areas Program*  
2           *and other task forces;*

3                   “(ii) *hire, train, and equip law en-*  
4                   *forcement officers and prosecutors; and*

5                   “(iii) *promote crime reduction pro-*  
6                   *grams using evidence-based practices and*  
7                   *strategic planning to help reduce crime and*  
8                   *criminal recidivism.*

9           “(8) *Statistics on—*

10                   “(A) *the prevalence of dyslexia among pris-*  
11                   *oners in prisons operated by the Bureau of Pris-*  
12                   *ons; and*

13                   “(B) *any change in the effectiveness of dys-*  
14                   *lexia mitigation programs among such prisoners*  
15                   *that may be attributed to the incorporation of*  
16                   *dyslexia screening into the System and of dys-*  
17                   *lexia treatment into the evidence-based recidi-*  
18                   *vism reduction programs, as required under this*  
19                   *chapter.*

20   **“§ 3635. Definitions**

21           *“In this subchapter the following definitions apply:*

22                   “(1) *DYSLEXIA.—The term ‘dyslexia’ means an*  
23                   *unexpected difficulty in reading for an individual*  
24                   *who has the intelligence to be a much better reader,*  
25                   *most commonly caused by a difficulty in the phono-*

1     *logical processing (the appreciation of the individual*  
 2     *sounds of spoken language), which affects the ability*  
 3     *of an individual to speak, read, and spell.*

4             “(2) *DYSLEXIA SCREENING PROGRAM.*—*The term*  
 5     *‘dyslexia screening program’ means a screening pro-*  
 6     *gram for dyslexia that is—*

7                     “(A) *evidence-based (as defined in section*  
 8                     *8101(21) of the Elementary and Secondary Edu-*  
 9                     *cation Act of 1965 (20 U.S.C. 7801(21))) with*  
 10                    *proven psychometrics for validity;*

11                    “(B) *efficient and low-cost; and*

12                    “(C) *readily available.*

13             “(3) *EVIDENCE-BASED RECIDIVISM REDUCTION*  
 14     *PROGRAM.*—*The term ‘evidence-based recidivism re-*  
 15     *duction program’ means either a group or individual*  
 16     *activity that—*

17                     “(A) *has been shown by empirical evidence*  
 18                     *to reduce recidivism or is based on research indi-*  
 19                     *cating that it is likely to be effective in reducing*  
 20                     *recidivism;*

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

23                     “(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 imprison-*  
24          *ment pursuant to a conviction for a Federal criminal*

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

3 “(5) *PRODUCTIVE ACTIVITY.*—*The term ‘produc-*  
4 *tive activity’ means either a group or individual ac-*  
5 *tivity that is designed to allow prisoners determined*  
6 *as having a minimum or low risk of recidivating to*  
7 *remain productive and thereby maintain a minimum*  
8 *or low risk of recidivating, and may include the de-*  
9 *livery of the programs described in paragraph (1) to*  
10 *other prisoners.*

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

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

18 “(B) *the recidivism reduction programs*  
19 *that will best minimize the risk that the prisoner*  
20 *will recidivate upon release from prison; and*

21 “(C) *the periodic reassessment of risk that*  
22 *a prisoner will recidivate upon release from pris-*  
23 *on, based on factors including indicators of*  
24 *progress and of regression, that are dynamic and*

1           *that can reasonably be expected to change while*  
 2           *in prison.”.*

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

**“D. Risk and Needs Assessment ..... 3631”.**

6 **SEC. 102. IMPLEMENTATION OF SYSTEM AND REC-**  
 7 **COMMENDATIONS BY BUREAU OF PRISONS.**

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

11           **“(h) IMPLEMENTATION OF RISK AND NEEDS ASSESS-**  
 12 **MENT SYSTEM.**—

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

19           **“(A) implement and complete the initial in-**  
 20 *take risk and needs assessment for each prisoner*  
 21 *(including for each prisoner who was a prisoner*  
 22 *prior to the effective date of this subsection), re-*  
 23 *gardless of the prisoner’s length of imposed term*  
 24 *of imprisonment, and begin to assign prisoners*

1           to appropriate evidence-based recidivism reduc-  
2           tion programs based on that determination;

3           “(B) begin to expand the effective evidence-  
4           based recidivism reduction programs and pro-  
5           ductive activities it offers and add any new evi-  
6           dence-based recidivism reduction programs and  
7           productive activities necessary to effectively im-  
8           plement the System; and

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

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

22          “(A) provide such evidence-based recidivism  
23          reduction programs and productive activities for  
24          all prisoners before the date that is 2 years after  
25          the date on which the Bureau of Prisons com-

1            *pletes a risk and needs assessment for each pris-*  
2            *oner under paragraph (1)(A); and*

3            *“(B) develop and validate the risk and*  
4            *needs assessment tool to be used in the reassess-*  
5            *ments of risk of recidivism, while prisoners are*  
6            *participating in and completing evidence-based*  
7            *recidivism reduction programs and productive*  
8            *activities.*

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

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

24           *“(5) RECIDIVISM REDUCTION PARTNERSHIPS.—*  
25           *In order to expand evidence-based recidivism reduc-*

1     *tion programs and productive activities, the Attorney*  
2     *General shall develop policies for the warden of each*  
3     *prison of the Bureau of Prisons to enter into partner-*  
4     *ships, subject to the availability of appropriations,*  
5     *with any of the following:*

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

11            “(B) Institutions of higher education (as de-  
12            fined in section 101 of the Higher Education Act  
13            of 1965 (20 U.S.C. 1001)) that will deliver in-  
14            struction on a paid or volunteer basis.

15            “(C) Private entities that will—

16                “(i) deliver vocational training and  
17                certifications;

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

21                “(iii) employ prisoners; or

22                “(iv) assist prisoners in prerelease cus-  
23                tody or supervised release in finding em-  
24                ployment.

1           “(D) *Industry-sponsored organizations that*  
 2           *will deliver workforce development and training,*  
 3           *on a paid or volunteer basis.*

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

15           “(7) *DEFINITIONS.—The terms in this subsection*  
 16           *have the meaning given those terms in section 3635.”.*

17           “(b) *PRERELEASE CUSTODY.—*

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

20           (A) *in subsection (b)(1)—*

21           (i) *by striking “, beyond the time*  
 22           *served, of up to 54 days at the end of each*  
 23           *year of the prisoner’s term of imprisonment,*  
 24           *beginning at the end of the first year of the*  
 25           *term,” and inserting “of up to 54 days for*

1           *each year of the prisoner’s sentence imposed*  
2           *by the court,”; and*

3                     *(ii) by striking “credit for the last year*  
4                     *or portion of a year of the term of impris-*  
5                     *onment shall be prorated and credited with-*  
6                     *in the last six weeks of the sentence” and*  
7                     *inserting “credit for the last year of a term*  
8                     *of imprisonment shall be credited on the*  
9                     *first day of the last year of the term of im-*  
10                    *prisonment”;* and

11                    *(B) by adding at the end the following:*

12            “(g) *PRERELEASE CUSTODY OR SUPERVISED RE-*  
13 *LEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PAR-*  
14 *TICIPANTS.—*

15                    “(1) *ELIGIBLE PRISONERS.—This subsection ap-*  
16 *plies in the case of a prisoner (as such term is defined*  
17 *in section 3635) who—*

18                    “(A) *has earned time credits under the risk*  
19 *and needs assessment system developed under*  
20 *subchapter D (referred to in this subsection as*  
21 *the ‘System’) in an amount that is equal to the*  
22 *remainder of the prisoner’s imposed term of im-*  
23 *prisonment;*

24                    “(B) *has shown through the periodic risk re-*  
25 *assessments a demonstrated recidivism risk re-*

1           *duction or has maintained a minimum or low*  
2           *recidivism risk, during the prisoner’s term of im-*  
3           *prisonment;*

4           “(C) *has had the remainder of the prisoner’s*  
5           *imposed term of imprisonment computed under*  
6           *applicable law; and*

7           “(D)(i) *in the case of a prisoner being*  
8           *placed in prerelease custody, the prisoner—*

9           “(I) *has been determined under the*  
10           *System to be a minimum or low risk to*  
11           *recidivate pursuant to the last 2 reassess-*  
12           *ments of the prisoner; or*

13           “(II) *has had a petition to be trans-*  
14           *ferred to prerelease custody or supervised re-*  
15           *lease approved by the warden of the prison,*  
16           *after the warden’s determination that—*

17           “(aa) *the prisoner would not be a*  
18           *danger to society if transferred to*  
19           *prerelease custody or supervised re-*  
20           *lease;*

21           “(bb) *the prisoner has made a*  
22           *good faith effort to lower their recidi-*  
23           *vism risk through participation in re-*  
24           *cidivism reduction programs or pro-*  
25           *ductive activities; and*

1                   “(cc) *the prisoner is unlikely to*  
2                   *recidivate; or*

3                   “(ii) *in the case of a prisoner being placed*  
4                   *in supervised release, the prisoner has been deter-*  
5                   *mined under the System to be a minimum or*  
6                   *low risk to recidivate pursuant to the last reas-*  
7                   *essment of the prisoner.*

8                   “(2) *TYPES OF PRERELEASE CUSTODY.—A pris-*  
9                   *oner shall be placed in prerelease custody as follows:*

10                   “(A) *HOME CONFINEMENT.—*

11                   “(i) *IN GENERAL.—A prisoner placed*  
12                   *in prerelease custody pursuant to this sub-*  
13                   *section who is placed in home confinement*  
14                   *shall—*

15                   “(I) *be subject to 24-hour elec-*  
16                   *tronic monitoring that enables the*  
17                   *prompt identification of the prisoner,*  
18                   *location, and time, in the case of any*  
19                   *violation of subclause (II);*

20                   “(II) *remain in the prisoner’s res-*  
21                   *idence, except that the prisoner may*  
22                   *leave the prisoner’s home in order to,*  
23                   *subject to the approval of the Director*  
24                   *of the Bureau of Prisons—*

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*“(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;*

*“(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;*

*“(cc) perform community service;*

*“(dd) participate in crime victim restoration activities;*

*“(ee) receive medical treatment;*

*“(ff) attend religious activities; or*

*“(gg) participate in other family-related activities that facilitate the prisoner’s successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and*

1                   “(III) comply with such other  
2                   conditions as the Director determines  
3                   appropriate.

4                   “(ii) *ALTERNATE MEANS OF MONI-*  
5                   *TORING.—If the electronic monitoring of a*  
6                   *prisoner described in clause (i)(I) is infeasible*  
7                   *for technical or religious reasons, the Di-*  
8                   *rector of the Bureau of Prisons may use al-*  
9                   *ternative means of monitoring a prisoner*  
10                   *placed in home confinement that the Direc-*  
11                   *tor determines are as effective or more effec-*  
12                   *tive than the electronic monitoring described*  
13                   *in clause (i)(I).*

14                   “(iii) *MODIFICATIONS.—The Director*  
15                   *of the Bureau of Prisons may modify the*  
16                   *conditions described in clause (i) if the Di-*  
17                   *rector determines that a compelling reason*  
18                   *exists to do so, and that the prisoner has*  
19                   *demonstrated exemplary compliance with*  
20                   *such conditions.*

21                   “(iv) *DURATION.—Except as provided*  
22                   *in paragraph (4), a prisoner who is placed*  
23                   *in home confinement shall remain in home*  
24                   *confinement until the prisoner has served*

1           *not less than 85 percent of the prisoner's*  
2           *imposed term of imprisonment.*

3           “(B) *RESIDENTIAL REENTRY CENTER.*—A  
4           *prisoner placed in prerelease custody pursuant*  
5           *to this subsection who is placed at a residential*  
6           *reentry center shall be subject to such conditions*  
7           *as the Director of the Bureau of Prisons deter-*  
8           *mines appropriate.*

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

18          “(4) *DETERMINATION OF CONDITIONS.*—*In deter-*  
19          *mining appropriate conditions for prisoners placed in*  
20          *prerelease custody pursuant to this subsection, the Di-*  
21          *rector of the Bureau of Prisons shall, to the extent*  
22          *practicable, provide that increasingly less restrictive*  
23          *conditions shall be imposed on prisoners who dem-*  
24          *onstrate continued compliance with the conditions of*

1     *such prerelease custody, so as to most effectively pre-*  
2     *pare such prisoners for reentry.*

3             “(5) *VIOLATIONS OF CONDITIONS.*—*If a prisoner*  
4     *violates a condition of the prisoner’s prerelease cus-*  
5     *tody, the Director of the Bureau of Prisons may im-*  
6     *pose such additional conditions on the prisoner’s*  
7     *prerelease custody as the Director of the Bureau of*  
8     *Prisons determines appropriate, or revoke the pris-*  
9     *oner’s prerelease custody and require the prisoner to*  
10    *serve the remainder of the term of imprisonment to*  
11    *which the prisoner was sentenced, or any portion*  
12    *thereof, in prison. If the violation is nontechnical in*  
13    *nature, the Director of the Bureau of Prisons shall re-*  
14    *voke the prisoner’s prerelease custody.*

15            “(6) *ISSUANCE OF GUIDELINES.*—*The Attorney*  
16    *General, in consultation with the Assistant Director*  
17    *for the Office of Probation and Pretrial Services, shall*  
18    *issue guidelines for use by the Bureau of Prisons in*  
19    *determining—*

20            “(A) *the appropriate type of prerelease cus-*  
21    *tody or supervised release and level of super-*  
22    *vision for a prisoner placed on prerelease cus-*  
23    *tody pursuant to this subsection; and*

24            “(B) *consequences for a violation of a con-*  
25    *dition of such prerelease custody by such a pris-*

1            *oner, including a return to prison and a reass-*  
2            *essment of evidence-based recidivism risk level*  
3            *under the System.*

4            “(7) *AGREEMENTS WITH UNITED STATES PROBA-*  
5            *TION AND PRETRIAL SERVICES.—The Director of the*  
6            *Bureau of Prisons shall, to the greatest extent prac-*  
7            *ticable, enter into agreements with United States Pro-*  
8            *bation and Pretrial Services to supervise prisoners*  
9            *placed in home confinement under this subsection.*  
10          *Such agreements shall—*

11            *“(A) authorize United States Probation and*  
12            *Pretrial Services to exercise the authority grant-*  
13            *ed to the Director pursuant to paragraphs (3)*  
14            *and (4); and*

15            *“(B) take into account the resource require-*  
16            *ments of United States Probation and Pretrial*  
17            *Services as a result of the transfer of Bureau of*  
18            *Prisons prisoners to prerelease custody or super-*  
19            *vised release.*

20            “(8) *ASSISTANCE.—United States Probation and*  
21            *Pretrial Services shall, to the greatest extent prac-*  
22            *ticable, offer assistance to any prisoner not under its*  
23            *supervision during prerelease custody under this sub-*  
24            *section.*

1           “(9) *MENTORING, REENTRY, AND SPIRITUAL*  
2           *SERVICES.*—*Any prerelease custody into which a pris-*  
3           *oner is placed under this subsection may not include*  
4           *a condition prohibiting the prisoner from receiving*  
5           *mentoring, reentry, or spiritual services from a per-*  
6           *son who provided such services to the prisoner while*  
7           *the prisoner was incarcerated, except that the warden*  
8           *of the facility at which the prisoner was incarcerated*  
9           *may waive the requirement under this paragraph if*  
10           *the warden finds that the provision of such services*  
11           *would pose a significant security risk to the prisoner,*  
12           *persons who provide such services, or any other per-*  
13           *son. The warden shall provide written notice of any*  
14           *such waiver to the person providing such services and*  
15           *to the prisoner.*

16           “(10) *TIME LIMITS INAPPLICABLE.*—*The time*  
17           *limits under subsections (b) and (c) shall not apply*  
18           *to prerelease custody under this subsection.*

19           “(11) *PRERELEASE CUSTODY CAPACITY.*—*The*  
20           *Director of the Bureau of Prisons shall ensure there*  
21           *is sufficient prerelease custody capacity to accommo-*  
22           *date all eligible prisoners.”.*

23           “(2) *EFFECTIVE DATE.*—*The amendments made*  
24           *by this subsection shall take effect beginning on the*  
25           *date that the Attorney General completes and releases*

1 *the risk and needs assessment system under sub-*  
2 *chapter D of chapter 229 of title 18, United States*  
3 *Code, as added by section 101(a) of this Act.*

4 (3) *APPLICABILITY.—The amendments made by*  
5 *this subsection shall apply with respect to offenses*  
6 *committed before, on, or after the date of enactment*  
7 *of this Act, except that such amendments shall not*  
8 *apply with respect to offenses committed before No-*  
9 *vember 1, 1987.*

10 **SEC. 103. GAO REPORT.**

11 *Not later than 2 years after the Director of the Bureau*  
12 *of Prisons implements the risk and needs assessment system*  
13 *under section 3621 of title 18, United States Code, and*  
14 *every 2 years thereafter, the Comptroller General of the*  
15 *United States shall conduct an audit of the use of the risk*  
16 *and needs assessment system at Bureau of Prisons facilities.*  
17 *The audit shall include analysis of the following:*

18 (1) *Whether inmates are being assessed under the*  
19 *risk and needs assessment system with the frequency*  
20 *required under such section 3621 of title 18, United*  
21 *States Code.*

22 (2) *Whether the Bureau of Prisons is able to offer*  
23 *recidivism reduction programs and productive activi-*  
24 *ties (as such terms are defined in section 3635 of title*

1     18, *United States Code*, as added by section 101(a) of  
2     *this Act*).

3             (3) *Whether the Bureau of Prisons is offering the*  
4     *type, amount, and intensity of recidivism reduction*  
5     *programs and productive activities for prisoners to*  
6     *earn the maximum amount of time credits for which*  
7     *they are eligible.*

8             (4) *Whether the Attorney General is carrying out*  
9     *the duties under section 3631(b) of title 18, United*  
10    *States Code, as added by section 101(a) of this Act.*

11            (5) *Whether officers and employees of the Bureau*  
12    *of Prisons are receiving the training described in sec-*  
13    *tion 3632(f) of title 18, United States Code, as added*  
14    *by section 101(a) of this Act.*

15            (6) *Whether the Bureau of Prisons offers work*  
16    *assignments to all prisoners who might benefit from*  
17    *such an assignment.*

18            (7) *Whether the Bureau of Prisons transfers pris-*  
19    *oners to prerelease custody or supervised release as*  
20    *soon as they are eligible for such a transfer under sec-*  
21    *tion 3624(g) of title 18, United States Code, as added*  
22    *by section 102(b) of this Act.*

23            (8) *The rates of recidivism among similarly clas-*  
24    *sified prisoners to identify any unwarranted dispari-*  
25    *ties, including disparities among similarly classified*

1        *prisoners of different demographic groups, in such*  
2        *rates.*

3        **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

4        *(a) IN GENERAL.—There is authorized to be appro-*  
5        *priated to carry out this title \$75,000,000 for each of fiscal*  
6        *years 2019 through 2023. Of the amount appropriated*  
7        *under this subsection, 80 percent shall be reserved for use*  
8        *by the Director of the Bureau of Prisons to implement the*  
9        *system under section 3621(h) of title 18, United States*  
10       *Code, as added by section 102(a) of this Act.*

11       *(b) SAVINGS.—It is the sense of Congress that any sav-*  
12       *ings associated with reductions in recidivism that result*  
13       *from this title should be reinvested—*

14                *(1) to supplement funding for programs that in-*  
15        *crease public safety by providing resources to State*  
16        *and local law enforcement officials, including for the*  
17        *adoption of innovative technologies and information*  
18        *sharing capabilities;*

19                *(2) into evidence-based recidivism reduction pro-*  
20        *grams offered by the Bureau of Prisons; and*

21                *(3) into ensuring eligible prisoners have access to*  
22        *such programs and productive activities offered by the*  
23        *Bureau of Prisons.*

1 **SEC. 105. RULE OF CONSTRUCTION.**

2 *Nothing in this Act, or the amendments made by this*  
3 *Act, may be construed to provide authority to place a pris-*  
4 *oner in prerelease custody or supervised release who is serv-*  
5 *ing a term of imprisonment pursuant to a conviction for*  
6 *an offense under the laws of one of the 50 States, or of a*  
7 *territory or possession of the United States or to amend*  
8 *or affect the enforcement of the immigration laws, as de-*  
9 *fin ed in section 101 of the Immigration and Nationality*  
10 *Act (8 U.S.C. 1101).*

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

12 *(a) IN GENERAL.—In considering any program, treat-*  
13 *ment, regimen, group, company, charity, person, or entity*  
14 *of any kind under any provision of this Act, or the amend-*  
15 *ments made by this Act, the fact that it may be or is faith-*  
16 *based may not be a basis for any discrimination against*  
17 *it in any manner or for any purpose.*

18 *(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Par-*  
19 *ticipation in a faith-based program, treatment, or regimen*  
20 *may qualify a prisoner for earned time credit under sub-*  
21 *chapter D of chapter 229 of title 18, United States Code,*  
22 *as added by section 101(a) of this Act, however, the Director*  
23 *of the Bureau of Prisons shall ensure that non-faith-based*  
24 *programs that qualify for earned time credit are offered at*  
25 *each Bureau of Prisons facility in addition to any such*  
26 *faith-based programs.*

1       (c) *LIMITATION ON ACTIVITIES.*—A group, company,  
 2 charity, person, or entity may not engage in explicitly reli-  
 3 gious activities using direct financial assistance made  
 4 available under this title or the amendments made by this  
 5 title.

6       (d) *RULE OF CONSTRUCTION.*—Nothing in this Act, or  
 7 the amendments made by this Act, may be construed to  
 8 amend any requirement under Federal law or the Constitu-  
 9 tion of the United States regarding funding for faith-based  
 10 programs or activities.

11 **SEC. 107. INDEPENDENT REVIEW COMMITTEE.**

12       (a) *IN GENERAL.*—The Attorney General shall consult  
 13 with an Independent Review Committee in carrying out the  
 14 Attorney General’s duties under sections 3631(b), 3632 and  
 15 3633 of title 18, United States Code, as added by section  
 16 101(a) of this Act.

17       (b) *FORMATION OF INDEPENDENT REVIEW COM-*  
 18 *MITTEE.*—The National Institute of Justice shall select a  
 19 nonpartisan and nonprofit organization with expertise in  
 20 the study and development of risk and needs assessment  
 21 tools to host the Independent Review Committee. The Inde-  
 22 pendent Review Committee shall be established not later  
 23 than 30 days after the date of enactment of this Act.

24       (c) *APPOINTMENT OF INDEPENDENT REVIEW COM-*  
 25 *MITTEE.*—The organization selected by the National Insti-

1 *tute of Justice shall appoint not fewer than 6 members to*  
 2 *the Independent Review Committee.*

3 *(d) COMPOSITION OF THE INDEPENDENT REVIEW*  
 4 *COMMITTEE.—The members of the Independent Review*  
 5 *Committee shall all have expertise in risk and needs assess-*  
 6 *ment systems and shall include—*

7 *(1) 2 individuals who have published peer-re-*  
 8 *viewed scholarship about risk and needs assessments*  
 9 *in both corrections and community settings;*

10 *(2) 2 corrections practitioners who have devel-*  
 11 *oped and implemented a risk assessment tool in a cor-*  
 12 *rections system or in a community supervision set-*  
 13 *ting, including 1 with prior experience working with-*  
 14 *in the Bureau of Prisons; and*

15 *(3) 1 individual with expertise in assessing risk*  
 16 *assessment implementation.*

17 *(e) DUTIES OF THE INDEPENDENT REVIEW COM-*  
 18 *MITTEE.—The Independent Review Committee shall assist*  
 19 *the Attorney General in carrying out the Attorney General’s*  
 20 *duties under sections 3631(b), 3632 and 3633 of title 18,*  
 21 *United States Code, as added by section 101(a) of this Act,*  
 22 *including by assisting in—*

23 *(1) conducting a review of the existing prisoner*  
 24 *risk and needs assessment systems in operation on the*  
 25 *date of enactment of this Act;*

1           (2) *developing recommendations regarding evi-*  
2 *dence-based recidivism reduction programs and pro-*  
3 *ductive activities;*

4           (3) *conducting research and data analysis on—*  
5           (A) *evidence-based recidivism reduction pro-*  
6 *grams relating to the use of prisoner risk and*  
7 *needs assessment tools;*

8           (B) *the most effective and efficient uses of*  
9 *such programs; and*

10           (C) *which evidence-based recidivism reduc-*  
11 *tion programs are the most effective at reducing*  
12 *recidivism, and the type, amount, and intensity*  
13 *of programming that most effectively reduces the*  
14 *risk of recidivism; and*

15           (4) *reviewing and validating the risk and needs*  
16 *assessment system.*

17           (f) *BUREAU OF PRISONS COOPERATION.—The Director*  
18 *of the Bureau of Prisons shall assist the Independent Re-*  
19 *view Committee in performing the Committee’s duties and*  
20 *promptly respond to requests from the Committee for access*  
21 *to Bureau of Prisons facilities, personnel, and information.*

22           (g) *REPORT.—Not later than 2 years after the date*  
23 *of enactment of this Act, the Independent Review Committee*  
24 *shall submit to the Committee on the Judiciary and the*  
25 *Subcommittee on Commerce, Justice, Science, and Related*

1 *Agencies of the Committee on Appropriations of the Senate*  
2 *and the Committee on the Judiciary and the Subcommittee*  
3 *on Commerce, Justice, Science, and Related Agencies of the*  
4 *Committee on Appropriations of the House of Representa-*  
5 *tives a report that includes—*

6           (1) *a list of all offenses of conviction for which*  
7 *prisoners were ineligible to receive time credits under*  
8 *section 3632(d)(4)(D) of title 18, United States Code,*  
9 *as added by section 101(a) of this Act, and for each*  
10 *offense the number of prisoners excluded, including*  
11 *demographic percentages by age, race, and sex;*

12           (2) *the criminal history categories of prisoners*  
13 *ineligible to receive time credits under section*  
14 *3632(d)(4)(D) of title 18, United States Code, as*  
15 *added by section 101(a) of this Act, and for each cat-*  
16 *egory the number of prisoners excluded, including de-*  
17 *mographic percentages by age, race, and sex;*

18           (3) *the number of prisoners ineligible to apply*  
19 *time credits under section 3632(d)(4)(D) of title 18,*  
20 *United States Code, as added by section 101(a) of this*  
21 *Act, who do not participate in recidivism reduction*  
22 *programming or productive activities, including the*  
23 *demographic percentages by age, race, and sex;*

24           (4) *any recommendations for modifications to*  
25 *section 3632(d)(4)(D) of title 18, United States Code,*

1       *as added by section 101(a) of this Act, and any other*  
2       *recommendations regarding recidivism reduction.*

3       *(h) TERMINATION.—The Independent Review Com-*  
4       *mittee shall terminate on the date that is 2 years after the*  
5       *date on which the risk and needs assessment system author-*  
6       *ized by sections 3632 and 3633 of title 18, United States*  
7       *Code, as added by section 101(a) of this Act, is released.*

8       ***TITLE II—BUREAU OF PRISONS***  
9       ***SECURE FIREARMS STORAGE***

10      ***SEC. 201. SHORT TITLE.***

11       *This title may be cited as the “Lieutenant Osvaldo*  
12      *Albarati Correctional Officer Self-Protection Act of 2018”.*

13      ***SEC. 202. SECURE FIREARMS STORAGE.***

14       *(a) IN GENERAL.—Chapter 303 of title 18, United*  
15      *States Code, is amended by adding at the end the following:*

16      ***“§ 4050. Secure firearms storage***

17       *“(a) DEFINITIONS.—In this section—*

18           *“(1) the term ‘employee’ means a qualified law*  
19           *enforcement officer employed by the Bureau of Pris-*  
20           *ons; and*

21           *“(2) the terms ‘firearm’ and ‘qualified law en-*  
22           *forcement officer’ have the meanings given those terms*  
23           *under section 926B.*

1       “(b) *SECURE FIREARMS STORAGE.*—*The Director of*  
 2 *the Bureau of Prisons shall ensure that each chief executive*  
 3 *officer of a Federal penal or correctional institution—*

4               “(1)(A) *provides a secure storage area located*  
 5 *outside of the secure perimeter of the institution for*  
 6 *employees to store firearms; or*

7               “(B) *allows employees to store firearms in a ve-*  
 8 *hicle lockbox approved by the Director of the Bureau*  
 9 *of Prisons; and*

10              “(2) *notwithstanding any other provision of law,*  
 11 *allows employees to carry concealed firearms on the*  
 12 *premises outside of the secure perimeter of the institu-*  
 13 *tion.”.*

14       “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
 15 *table of sections for chapter 303 of title 18, United States*  
 16 *Code, is amended by adding at the end the following:*

      “4050. *Secure firearms storage.*”.

17       ***TITLE III—RESTRAINTS ON***  
 18       ***PREGNANT PRISONERS PRO-***  
 19       ***HIBITED***

20       ***SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE***  
 21               ***PERIOD OF PREGNANCY AND POSTPARTUM***  
 22               ***RECOVERY PROHIBITED.***

23       “(a) *IN GENERAL.*—*Chapter 317 of title 18, United*  
 24 *States Code, is amended by inserting after section 4321 the*  
 25 *following:*

1 **“§ 4322. Use of restraints on prisoners during the pe-**  
2 **riod of pregnancy, labor, and postpartum**  
3 **recovery prohibited**

4 “(a) *PROHIBITION.*—*Except as provided in subsection*  
5 *(b), beginning on the date on which pregnancy is confirmed*  
6 *by a healthcare professional, and ending at the conclusion*  
7 *of postpartum recovery, a prisoner in the custody of the*  
8 *Bureau of Prisons, or in the custody of the United States*  
9 *Marshals Service pursuant to section 4086, shall not be*  
10 *placed in restraints.*

11 “(b) *EXCEPTIONS.*—

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

14 “(A) *an appropriate corrections official, or*  
15 *a United States marshal, as applicable, makes a*  
16 *determination that the prisoner—*

17 “(i) *is an immediate and credible*  
18 *flight risk that cannot reasonably be pre-*  
19 *vented by other means; or*

20 “(ii) *poses an immediate and serious*  
21 *threat of harm to herself or others that can-*  
22 *not reasonably be prevented by other means;*  
23 *or*

24 “(B) *a healthcare professional responsible*  
25 *for the health and safety of the prisoner deter-*

1           *mines that the use of restraints is appropriate*  
2           *for the medical safety of the prisoner.*

3           “(2) *LEAST RESTRICTIVE RESTRAINTS.*—*In the*  
4           *case that restraints are used pursuant to an exception*  
5           *under paragraph (1), only the least restrictive re-*  
6           *straints necessary to prevent the harm or risk of es-*  
7           *cape described in paragraph (1) may be used.*

8           “(3) *APPLICATION.*—

9           “(A) *IN GENERAL.*—*The exceptions under*  
10          *paragraph (1) may not be applied—*

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

13                 “(ii) *to restrain a prisoner’s hands be-*  
14                 *hind her back;*

15                 “(iii) *to restrain a prisoner using 4-*  
16                 *point restraints; or*

17                 “(iv) *to attach a prisoner to another*  
18                 *prisoner.*

19           “(B) *MEDICAL REQUEST.*—*Notwithstanding*  
20          *paragraph (1), upon the request of a healthcare*  
21          *professional who is responsible for the health and*  
22          *safety of a prisoner, a corrections official or*  
23          *United States marshal, as applicable, shall re-*  
24          *frain from using restraints on the prisoner or*  
25          *shall remove restraints used on the prisoner.*

1       “(c) *REPORTS.*—

2               “(1) *REPORT TO THE DIRECTOR AND*  
3 *HEALTHCARE PROFESSIONAL.*—*If a corrections offi-*  
4 *cial or United States marshal uses restraints on a*  
5 *prisoner under subsection (b)(1), that official or mar-*  
6 *shal shall submit, not later than 30 days after placing*  
7 *the prisoner in restraints, to the Director of the Bu-*  
8 *reau of Prisons or the Director of the United States*  
9 *Marshals Service, as applicable, and to the healthcare*  
10 *professional responsible for the health and safety of*  
11 *the prisoner, a written report that describes the facts*  
12 *and circumstances surrounding the use of restraints,*  
13 *and includes—*

14                       “(A) *the reasoning upon which the deter-*  
15 *mination to use restraints was made;*

16                       “(B) *the details of the use of restraints, in-*  
17 *cluding the type of restraints used and length of*  
18 *time during which restraints were used; and*

19                       “(C) *any resulting physical effects on the*  
20 *prisoner observed by or known to the corrections*  
21 *official or United States marshal, as applicable.*

22               “(2) *SUPPLEMENTAL REPORT TO THE DIREC-*  
23 *TOR.*—*Upon receipt of a report under paragraph (1),*  
24 *the healthcare professional responsible for the health*  
25 *and safety of the prisoner may submit to the Director*

1     *such information as the healthcare professional deter-*  
2     *mines is relevant to the use of restraints on the pris-*  
3     *oner.*

4             “(3) *REPORT TO JUDICIARY COMMITTEES.—*

5                     “(A) *IN GENERAL.—Not later than 1 year*  
6                     *after the date of enactment of this section, and*  
7                     *annually thereafter, the Director of the Bureau of*  
8                     *Prisons and the Director of the United States*  
9                     *Marshals Service shall each submit to the Judici-*  
10                    *ary Committee of the Senate and of the House*  
11                    *of Representatives a report that certifies compli-*  
12                    *ance with this section and includes the informa-*  
13                    *tion required to be reported under paragraph*  
14                    *(1).*

15                    “(B) *PERSONALLY IDENTIFIABLE INFORMA-*  
16                    *TION.—The report under this paragraph shall*  
17                    *not contain any personally identifiable informa-*  
18                    *tion of any prisoner.*

19             “(d) *NOTICE.—Not later than 48 hours after the con-*  
20     *firmation of a prisoner’s pregnancy by a healthcare profes-*  
21     *sional, that prisoner shall be notified by an appropriate*  
22     *healthcare professional, corrections official, or United*  
23     *States marshal, as applicable, of the restrictions on the use*  
24     *of restraints under this section.*

1       “(e) *VIOLATION REPORTING PROCESS.*—*The Director*  
2 *of the Bureau of Prisons, in consultation with the Director*  
3 *of the United States Marshals Service, shall establish a*  
4 *process through which a prisoner may report a violation*  
5 *of this section.*

6       “(f) *TRAINING.*—

7           “(1) *IN GENERAL.*—*The Director of the Bureau*  
8 *of Prisons and the Director of the United States Mar-*  
9 *shals Service shall each develop training guidelines*  
10 *regarding the use of restraints on female prisoners*  
11 *during the period of pregnancy, labor, and*  
12 *postpartum recovery, and shall incorporate such*  
13 *guidelines into appropriate training programs. Such*  
14 *training guidelines shall include—*

15           “(A) *how to identify certain symptoms of*  
16 *pregnancy that require immediate referral to a*  
17 *healthcare professional;*

18           “(B) *circumstances under which the excep-*  
19 *tions under subsection (b) would apply;*

20           “(C) *in the case that an exception under*  
21 *subsection (b) applies, how to apply restraints in*  
22 *a way that does not harm the prisoner, the fetus,*  
23 *or the neonate;*

24           “(D) *the information required to be re-*  
25 *ported under subsection (c); and*

1           “(E) the right of a healthcare professional  
2           to request that restraints not be used, and the re-  
3           quirement under subsection (b)(3)(B) to comply  
4           with such a request.

5           “(2) DEVELOPMENT OF GUIDELINES.—In devel-  
6           oping the guidelines required by paragraph (1), the  
7           Directors shall each consult with healthcare profes-  
8           sionals with expertise in caring for women during the  
9           period of pregnancy and postpartum recovery.

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

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

17           “(2) PRISONER.—The term ‘prisoner’ means a  
18           person who has been sentenced to a term of imprison-  
19           ment pursuant to a conviction for a Federal criminal  
20           offense, or a person in the custody of the Bureau of  
21           Prisons, including a person in a Bureau of Prisons  
22           contracted facility.

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



1           “(B) any offense that would be a felony vio-  
2           lation of section 113 of title 18, United States  
3           Code, if the offense were committed in the special  
4           maritime and territorial jurisdiction of the  
5           United States, for which the offender served a  
6           term of imprisonment of more than 12 months.”;  
7           and

8           (2) in section 401(b)(1) (21 U.S.C. 841(b)(1))—  
9           (A) in subparagraph (A), in the matter fol-  
10          lowing clause (viii)—

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

22           (ii) by striking “after two or more  
23          prior convictions for a felony drug offense  
24          have become final, such person shall be sen-  
25          tenced to a mandatory term of life impris-

1            *onment without release” and inserting the*  
 2            *following: “after 2 or more prior convictions*  
 3            *for a serious drug felony or serious violent*  
 4            *felony have become final, such person shall*  
 5            *be sentenced to a term of imprisonment of*  
 6            *not less than 25 years”;* and

7            *(B) in subparagraph (B), in the matter fol-*  
 8            *lowing clause (viii), by striking “If any person*  
 9            *commits such a violation after a prior conviction*  
 10           *for a felony drug offense has become final” and*  
 11           *inserting the following: “If any person commits*  
 12           *such a violation after a prior conviction for a se-*  
 13           *rious drug felony or serious violent felony has be-*  
 14           *come final”.*

15           *(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT*  
 16 *ACT AMENDMENTS.—Section 1010(b) of the Controlled Sub-*  
 17 *stances Import and Export Act (21 U.S.C. 960(b)) is*  
 18 *amended—*

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

1     *drug felony or serious violent felony has become final,*  
 2     *such person shall be sentenced to a term of imprison-*  
 3     *ment of not less than 15 years”;* and

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

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

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

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

16             (1) *in subsection (f)—*

17                 (A) *in the matter preceding paragraph*

18                 (1)—

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

21                     (ii) *by inserting “, or section 70503 or*  
 22                     *70506 of title 46” after “963”;*

23                 (B) *by striking paragraph (1) and inserting*  
 24                 *the following:*

25                     “(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;”;

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

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

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

14           “(g) **DEFINITION OF VIOLENT OFFENSE.**—As used in  
15    this section, the term ‘violent offense’ means a crime of vio-  
16    lence, as defined in section 16, that is punishable by impris-  
17    onment.”.

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

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

23           (a) **IN GENERAL.**—Section 924(c)(1)(C) of title 18,  
24    United States Code, is amended, in the matter preceding  
25    clause (i), by striking “second or subsequent conviction

1 *under this subsection” and inserting “violation of this sub-*  
2 *section that occurs after a prior conviction under this sub-*  
3 *section has become final”.*

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

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

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

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

23 (c) *LIMITATIONS.—No court shall entertain a motion*  
24 *made under this section to reduce a sentence if the sentence*  
25 *was previously imposed or previously reduced in accord-*

1 *ance with the amendments made by sections 2 and 3 of the*  
 2 *Fair Sentencing Act of 2010 (Public Law 111–220; 124*  
 3 *Stat. 2372) or if a previous motion made under this section*  
 4 *to reduce the sentence was, after the date of enactment of*  
 5 *this Act, denied after a complete review of the motion on*  
 6 *the merits. Nothing in this section shall be construed to re-*  
 7 *quire a court to reduce any sentence pursuant to this sec-*  
 8 *tion.*

9 **TITLE V—SECOND CHANCE ACT**  
 10 **OF 2007 REAUTHORIZATION**

11 **SEC. 501. SHORT TITLE.**

12 *This title may be cited as the “Second Chance Reau-*  
 13 *thorization Act of 2018”.*

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

15 *(a) REAUTHORIZATION OF ADULT AND JUVENILE OF-*  
 16 *FENDER STATE AND LOCAL DEMONSTRATION PROJECTS.—*

17 *Section 2976 of title I of the Omnibus Crime Control and*  
 18 *Safe Streets Act of 1968 (34 U.S.C. 10631) is amended—*

19 *(1) by striking subsection (a) and inserting the*  
 20 *following:*

21 *“(a) GRANT AUTHORIZATION.—The Attorney General*  
 22 *shall make grants to States, local governments, territories,*  
 23 *or Indian tribes, or any combination thereof (in this section*  
 24 *referred to as an ‘eligible entity’), in partnership with in-*  
 25 *terested persons (including Federal corrections and super-*

1 *vision agencies), service providers, and nonprofit organiza-*  
 2 *tions for the purpose of strategic planning and implementa-*  
 3 *tion of adult and juvenile offender reentry projects.”;*

4 (2) *in subsection (b)—*

5 (A) *in paragraph (3), by inserting “or re-*  
 6 *entry courts,” after “community,”;*

7 (B) *in paragraph (6), by striking “and” at*  
 8 *the end;*

9 (C) *in paragraph (7), by striking the period*  
 10 *at the end and inserting “; and”;* and

11 (D) *by adding at the end the following:*

12 “(8) *promoting employment opportunities con-*  
 13 *sistent with the Transitional Jobs strategy (as defined*  
 14 *in section 4 of the Second Chance Act of 2007 (34*  
 15 *U.S.C. 60502)).”;* and

16 (3) *by striking subsections (d), (e), and (f) and*  
 17 *inserting the following:*

18 “(d) *COMBINED GRANT APPLICATION; PRIORITY CON-*  
 19 *SIDERATION.—*

20 “(1) *IN GENERAL.—The Attorney General shall*  
 21 *develop a procedure to allow applicants to submit a*  
 22 *single application for a planning grant under sub-*  
 23 *section (e) and an implementation grant under sub-*  
 24 *section (f).*

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

7                   “(A) *enable the grantee to target the in-*  
8                   *tended offender population; and*

9                   “(B) *serve as a baseline for purposes of the*  
10                  *evaluation.*

11           “(e) *PLANNING GRANTS.*—

12                  “(1) *IN GENERAL.*—*Except as provided in para-*  
13                  *graph (3), the Attorney General may make a grant to*  
14                  *an eligible entity of not more than \$75,000 to develop*  
15                  *a strategic, collaborative plan for an adult or juvenile*  
16                  *offender reentry demonstration project as described in*  
17                  *subsection (h) that includes—*

18                          “(A) *a budget and a budget justification;*

19                          “(B) *a description of the outcome measures*  
20                          *that will be used to measure the effectiveness of*  
21                          *the program in promoting public safety and*  
22                          *public health;*

23                          “(C) *the activities proposed;*

24                          “(D) *a schedule for completion of the activi-*  
25                          *ties described in subparagraph (C); and*

1           “(E) a description of the personnel nec-  
2           essary to complete the activities described in sub-  
3           paragraph (C).

4           “(2) *MAXIMUM TOTAL GRANTS AND GEOGRAPHIC*  
5           *DIVERSITY.*—

6           “(A) *MAXIMUM AMOUNT.*—*The Attorney*  
7           *General may not make initial planning grants*  
8           *and implementation grants to 1 eligible entity in*  
9           *a total amount that is more than a \$1,000,000.*

10          “(B) *GEOGRAPHIC DIVERSITY.*—*The Attor-*  
11          *ney General shall make every effort to ensure eq-*  
12          *uitable geographic distribution of grants under*  
13          *this section and take into consideration the needs*  
14          *of underserved populations, including rural and*  
15          *tribal communities.*

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

20          “(f) *IMPLEMENTATION GRANTS.*—

21          “(1) *APPLICATIONS.*—*An eligible entity desiring*  
22          *an implementation grant under this subsection shall*  
23          *submit to the Attorney General an application that—*

24                  “(A) *contains a reentry strategic plan as*  
25                  *described in subsection (h), which describes the*

1           *long-term strategy and incorporates a detailed*  
2           *implementation schedule, including the plans of*  
3           *the applicant to fund the program after Federal*  
4           *funding is discontinued;*

5           “(B) *identifies the local government role*  
6           *and the role of governmental agencies and non-*  
7           *profit organizations that will be coordinated by,*  
8           *and that will collaborate on, the offender reentry*  
9           *strategy of the applicant, and certifies the in-*  
10          *volvement of such agencies and organizations;*

11          “(C) *describes the evidence-based method-*  
12          *ology and outcome measures that will be used to*  
13          *evaluate the program funded with a grant under*  
14          *this subsection, and specifically explains how*  
15          *such measurements will provide valid measures*  
16          *of the impact of that program; and*

17          “(D) *describes how the project could be*  
18          *broadly replicated if demonstrated to be effective.*

19          “(2) *REQUIREMENTS.—The Attorney General*  
20          *may make a grant to an applicant under this sub-*  
21          *section only if the application—*

22                 “(A) *reflects explicit support of the chief ex-*  
23                 *ecutive officer, or their designee, of the State,*  
24                 *unit of local government, territory, or Indian*  
25                 *tribe applying for a grant under this subsection;*

1           “(B) provides discussion of the role of Fed-  
2           eral corrections, State corrections departments,  
3           community corrections agencies, juvenile justice  
4           systems, and tribal or local jail systems in en-  
5           suring successful reentry of offenders into their  
6           communities;

7           “(C) provides evidence of collaboration with  
8           State, local, or tribal government agencies over-  
9           seeing health, housing, child welfare, education,  
10          substance abuse, victims services, and employ-  
11          ment services, and with local law enforcement  
12          agencies;

13          “(D) provides a plan for analysis of the  
14          statutory, regulatory, rules-based, and practice-  
15          based hurdles to reintegration of offenders into  
16          the community;

17          “(E) includes the use of a State, local, terri-  
18          torial, or tribal task force, described in sub-  
19          section (i), to carry out the activities funded  
20          under the grant;

21          “(F) provides a plan for continued collabo-  
22          ration with a local evaluator as necessary to  
23          meeting the requirements under subsection (h);  
24          and

1           “(G) demonstrates that the applicant par-  
2           ticipated in the planning grant process or en-  
3           gaged in comparable planning for the reentry  
4           project.

5           “(3) PRIORITY CONSIDERATIONS.—The Attorney  
6           General shall give priority to grant applications  
7           under this subsection that best—

8           “(A) focus initiative on geographic areas  
9           with a disproportionate population of offenders  
10          released from prisons, jails, and juvenile facili-  
11          ties;

12          “(B) include—

13               “(i) input from nonprofit organiza-  
14               tions, in any case where relevant input is  
15               available and appropriate to the grant ap-  
16               plication;

17               “(ii) consultation with crime victims  
18               and offenders who are released from prisons,  
19               jails, and juvenile facilities;

20               “(iii) coordination with families of of-  
21               fenders;

22               “(iv) input, where appropriate, from  
23               the juvenile justice coordinating council of  
24               the region;

1           “(v) input, where appropriate, from  
2           the reentry coordinating council of the re-  
3           gion; or

4           “(vi) input, where appropriate, from  
5           other interested persons;

6           “(C) demonstrate effective case assessment  
7           and management abilities in order to provide  
8           comprehensive and continuous reentry, includ-  
9           ing—

10           “(i) planning for prerelease transi-  
11           tional housing and community release that  
12           begins upon admission for juveniles and jail  
13           inmates, and, as appropriate, for prison in-  
14           mates, depending on the length of the sen-  
15           tence;

16           “(ii) establishing prerelease planning  
17           procedures to ensure that the eligibility of  
18           an offender for Federal, tribal, or State ben-  
19           efits upon release is established prior to re-  
20           lease, subject to any limitations in law, and  
21           to ensure that offenders obtain all necessary  
22           referrals for reentry services, including as-  
23           sistance identifying and securing suitable  
24           housing; or

1           “(iii) *delivery of continuous and ap-*  
2           *propriate mental health services, drug treat-*  
3           *ment, medical care, job training and place-*  
4           *ment, educational services, vocational serv-*  
5           *ices, and any other service or support need-*  
6           *ed for reentry;*

7           “(D) *review the process by which the appli-*  
8           *cant adjudicates violations of parole, probation,*  
9           *or supervision following release from prison, jail,*  
10          *or a juvenile facility, taking into account public*  
11          *safety and the use of graduated, community-*  
12          *based sanctions for minor and technical viola-*  
13          *tions of parole, probation, or supervision (spe-*  
14          *cifically those violations that are not otherwise,*  
15          *and independently, a violation of law);*

16          “(E) *provide for an independent evaluation*  
17          *of reentry programs that include, to the max-*  
18          *imum extent possible, random assignment and*  
19          *controlled studies to determine the effectiveness of*  
20          *such programs;*

21          “(F) *target moderate and high-risk offenders*  
22          *for reentry programs through validated assess-*  
23          *ment tools; or*

24          “(G) *target offenders with histories of home-*  
25          *lessness, substance abuse, or mental illness, in-*

1            *cluding a prerelease assessment of the housing*  
 2            *status of the offender and behavioral health needs*  
 3            *of the offender with clear coordination with men-*  
 4            *tal health, substance abuse, and homelessness*  
 5            *services systems to achieve stable and permanent*  
 6            *housing outcomes with appropriate support serv-*  
 7            *ice.*

8            “(4) *PERIOD OF GRANT.*—*A grant made under*  
 9            *this subsection shall be effective for a 2-year period—*

10            *“(A) beginning on the date on which the*  
 11            *planning grant awarded under subsection (e)*  
 12            *concludes; or*

13            *“(B) in the case of an implementation*  
 14            *grant awarded to an eligible entity that did not*  
 15            *receive a planning grant, beginning on the date*  
 16            *on which the implementation grant is award-*  
 17            *ed.”;*

18            *(4) in subsection (h)—*

19            *(A) by redesignating paragraphs (2) and*  
 20            *(3) as paragraphs (3) and (4), respectively; and*

21            *(B) by striking paragraph (1) and inserting*  
 22            *the following:*

23            “(1) *IN GENERAL.*—*As a condition of receiving*  
 24            *financial assistance under subsection (f), each appli-*

1 *cation shall develop a comprehensive reentry strategic*  
2 *plan that—*

3 *“(A) contains a plan to assess inmate re-*  
4 *entry needs and measurable annual and 3-year*  
5 *performance outcomes;*

6 *“(B) uses, to the maximum extent possible,*  
7 *randomly assigned and controlled studies, or rig-*  
8 *orous quasi-experimental studies with matched*  
9 *comparison groups, to determine the effectiveness*  
10 *of the program funded with a grant under sub-*  
11 *section (f); and*

12 *“(C) includes as a goal of the plan to reduce*  
13 *the rate of recidivism for offenders released from*  
14 *prison, jail or a juvenile facility with funds*  
15 *made available under subsection (f).*

16 *“(2) LOCAL EVALUATOR.—A partnership with a*  
17 *local evaluator described in subsection (d)(2) shall re-*  
18 *quire the local evaluator to use the baseline data and*  
19 *target population characteristics developed under a*  
20 *subsection (e) planning grant to derive a target goal*  
21 *for recidivism reduction during the 3-year period be-*  
22 *ginning on the date of implementation of the pro-*  
23 *gram.”;*

24 *(5) in subsection (i)(1)—*

1           (A) in the matter preceding subparagraph  
2           (A), by striking “under this section” and insert-  
3           ing “under subsection (f)”; and

4           (B) in subparagraph (B), by striking “sub-  
5           section (e)(4)” and inserting “subsection  
6           (f)(2)(D)”;  
7           (6) in subsection (j)—

8           (A) in paragraph (1), by inserting “for an  
9           implementation grant under subsection (f)” after  
10          “applicant”;

11          (B) in paragraph (2)—

12           (i) in subparagraph (E), by inserting  
13           “, where appropriate” after “support”; and  
14           (ii) by striking subparagraphs (F),  
15           (G), and (H), and inserting the following:

16           “(F) increased number of staff trained to  
17           administer reentry services;

18           “(G) increased proportion of individuals  
19           served by the program among those eligible to re-  
20           ceive services;

21           “(H) increased number of individuals re-  
22           ceiving risk screening needs assessment, and case  
23           planning services;

24           “(I) increased enrollment in, and comple-  
25           tion of treatment services, including substance

1           *abuse and mental health services among those as-*  
2           *essed as needing such services;*

3           *“(J) increased enrollment in and degrees*  
4           *earned from educational programs, including*  
5           *high school, GED, vocational training, and col-*  
6           *lege education;*

7           *“(K) increased number of individuals ob-*  
8           *taining and retaining employment;*

9           *“(L) increased number of individuals ob-*  
10          *taining and maintaining housing;*

11          *“(M) increased self-reports of successful*  
12          *community living, including stability of living*  
13          *situation and positive family relationships;*

14          *“(N) reduction in drug and alcohol use; and*

15          *“(O) reduction in recidivism rates for indi-*  
16          *viduals receiving reentry services after release, as*  
17          *compared to either baseline recidivism rates in*  
18          *the jurisdiction of the grantee or recidivism rates*  
19          *of the control or comparison group.”;*

20          *(C) in paragraph (3), by striking “facili-*  
21          *ties.” and inserting “facilities, including a cost-*  
22          *benefit analysis to determine the cost effectiveness*  
23          *of the reentry program.”;*

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

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

3           (7) in subsection (k)(1), by striking “this sec-  
4           tion” each place the term appears and inserting “sub-  
5           section (f)”;

6           (8) in subsection (l)—

7           (A) in paragraph (2), by inserting “begin-  
8           ning on the date on which the most recent imple-  
9           mentation grant is made to the grantee under  
10          subsection (f)” after “2-year period”; and

11          (B) in paragraph (4), by striking “over a  
12          2-year period” and inserting “during the 2-year  
13          period described in paragraph (2)”;

14          (9) in subsection (o)(1), by striking “appro-  
15          priated” and all that follows and inserting the fol-  
16          lowing: “appropriated \$35,000,000 for each of fiscal  
17          years 2019 through 2023.”; and

18          (10) by adding at the end the following:

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

21                 “(1) monitors juvenile and adult eligible offend-  
22                 ers reentering the community;

23                 “(2) provides continual judicial supervision;

1           “(3) provides juvenile and adult eligible offenders  
2           reentering the community with coordinated and com-  
3           prehensive reentry services and programs, such as—

4                   “(A) drug and alcohol testing and assess-  
5                   ment for treatment;

6                   “(B) assessment for substance abuse from a  
7                   substance abuse professional who is approved by  
8                   the State or Indian tribe and licensed by the ap-  
9                   propriate entity to provide alcohol and drug ad-  
10                  diction treatment, as appropriate;

11                  “(C) substance abuse treatment, including  
12                  medication-assisted treatment, from a provider  
13                  that is approved by the State or Indian tribe,  
14                  and licensed, if necessary, to provide medical  
15                  and other health services;

16                  “(D) health (including mental health) serv-  
17                  ices and assessment;

18                  “(E) aftercare and case management serv-  
19                  ices that—

20                          “(i) facilitate access to clinical care  
21                          and related health services; and

22                          “(ii) coordinate with such clinical care  
23                          and related health services; and

24                          “(F) any other services needed for reentry;

1           “(4) convenes community impact panels, victim  
2           impact panels, or victim impact educational classes;

3           “(5) provides and coordinates the delivery of  
4           community services to juvenile and adult eligible of-  
5           fenders, including—

6                   “(A) housing assistance;

7                   “(B) education;

8                   “(C) job training;

9                   “(D) conflict resolution skills training;

10                  “(E) batterer intervention programs; and

11                  “(F) other appropriate social services; and

12           “(6) establishes and implements graduated sanc-  
13           tions and incentives.”.

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

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

21                   (2) in section 2923 (34 U.S.C. 10593), by adding  
22           at the end the following:

23           “(c) *PRIORITY CONSIDERATIONS.*—The Attorney Gen-  
24           eral shall give priority consideration to grant applications  
25           for grants under section 2921 that are submitted by a non-

1 *profit organization that demonstrates a relationship with*  
2 *State and local criminal justice agencies, including—*

3           “(1) *within the judiciary and prosecutorial*  
4 *agencies; or*

5           “(2) *with the local corrections agencies, which*  
6 *shall be documented by a written agreement that de-*  
7 *tails the terms of access to facilities and participants*  
8 *and provides information on the history of the orga-*  
9 *nization of working with correctional populations.”;*  
10 *and*

11           (3) *by striking section 2926(a) and inserting the*  
12 *following:*

13           “(a) *IN GENERAL.—There are authorized to be appro-*  
14 *priated to carry out this part \$10,000,000 for each of fiscal*  
15 *years 2019 through 2023.”.*

16           (c) *GRANT PROGRAM TO EVALUATE AND IMPROVE*  
17 *EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVE-*  
18 *NILE FACILITIES.—Title I of the Omnibus Crime Control*  
19 *and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is*  
20 *amended—*

21           (1) *by striking the second part designated as*  
22 *part JJ, as added by the Second Chance Act of 2007*  
23 *(Public Law 110–199; 122 Stat. 677), relating to*  
24 *grants to evaluate and improve educational methods*  
25 *at prisons, jails, and juvenile facilities;*

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

2   **“PART NN—GRANT PROGRAM TO EVALUATE AND**  
 3       **IMPROVE EDUCATIONAL METHODS AT PRIS-**  
 4       **ONS, JAILS, AND JUVENILE FACILITIES**

5   **“SEC. 3041. GRANT PROGRAM TO EVALUATE AND IMPROVE**  
 6               **EDUCATIONAL METHODS AT PRISONS, JAILS,**  
 7               **AND JUVENILE FACILITIES.**

8       “(a) *GRANT PROGRAM AUTHORIZED.*—*The Attorney*  
 9   *General may carry out a grant program under which the*  
 10 *Attorney General may make grants to States, units of local*  
 11 *government, territories, Indian Tribes, and other public*  
 12 *and private entities to—*

13           “(1) *evaluate methods to improve academic and*  
 14 *vocational education for offenders in prisons, jails,*  
 15 *and juvenile facilities;*

16           “(2) *identify, and make recommendations to the*  
 17 *Attorney General regarding, best practices relating to*  
 18 *academic and vocational education for offenders in*  
 19 *prisons, jails, and juvenile facilities, based on the*  
 20 *evaluation under paragraph (1);*

21           “(3) *improve the academic and vocational edu-*  
 22 *cation programs (including technology career train-*  
 23 *ing) available to offenders in prisons, jails, and juve-*  
 24 *nile facilities; and*

1           “(4) *implement methods to improve academic*  
2           *and vocational education for offenders in prisons,*  
3           *jails, and juvenile facilities consistent with the best*  
4           *practices identified in subsection (c).*

5           “(b) *APPLICATION.—To be eligible for a grant under*  
6           *this part, a State or other entity described in subsection*  
7           *(a) shall submit to the Attorney General an application in*  
8           *such form and manner, at such time, and accompanied by*  
9           *such information as the Attorney General specifies.*

10          “(c) *BEST PRACTICES.—Not later than 180 days after*  
11          *the date of enactment of the Second Chance Reauthorization*  
12          *Act of 2018, the Attorney General shall identify and publish*  
13          *best practices relating to academic and vocational edu-*  
14          *cation for offenders in prisons, jails, and juvenile facilities.*  
15          *The best practices shall consider the evaluations performed*  
16          *and recommendations made under grants made under sub-*  
17          *section (a) before the date of enactment of the Second*  
18          *Chance Reauthorization Act of 2018.*

19          “(d) *REPORT.—Not later than 90 days after the last*  
20          *day of the final fiscal year of a grant under this part, each*  
21          *entity described in subsection (a) receiving such a grant*  
22          *shall submit to the Attorney General a detailed report of*  
23          *the progress made by the entity using such grant, to permit*  
24          *the Attorney General to evaluate and improve academic*

1 *and vocational education methods carried out with grants*  
 2 *under this part.”; and*

3 *(3) in section 1001(a) of part J of title I of the*  
 4 *Omnibus Crime Control and Safe Streets Act of 1968*  
 5 *(34 U.S.C. 10261(a)), by adding at the end the fol-*  
 6 *lowing:*

7 *“(28) There are authorized to be appropriated to*  
 8 *carry out section 3031(a)(4) of part NN \$5,000,000*  
 9 *for each of fiscal years 2019, 2020, 2021, 2022, and*  
 10 *2023.”.*

11 *(d) CAREERS TRAINING DEMONSTRATION GRANTS.—*  
 12 *Section 115 of the Second Chance Act of 2007 (34 U.S.C.*  
 13 *60511) is amended—*

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

16 *(2) in subsection (a)—*

17 *(A) by striking “and Indian” and inserting*  
 18 *“nonprofit organizations, and Indian”; and*

19 *(B) by striking “technology career training*  
 20 *to prisoners” and inserting “career training, in-*  
 21 *cluding subsidized employment, when part of a*  
 22 *training program, to prisoners and reentering*  
 23 *youth and adults”;*

24 *(3) in subsection (b)—*

1           (A) by striking “technology careers train-  
2           ing”;

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

4           (C) by inserting “, as well as upon transi-  
5           tion and reentry into the community” after “fa-  
6           cility”;

7           (4) by striking subsection (e);

8           (5) by redesignating subsections (c) and (d) as  
9           subsections (d) and (e), respectively;

10          (6) by inserting after subsection (b) the fol-  
11          lowing:

12          “(c) *PRIORITY CONSIDERATION.*—Priority consider-  
13          ation shall be given to any application under this section  
14          that—

15               “(1) provides assessment of local demand for em-  
16               ployees in the geographic areas to which offenders are  
17               likely to return;

18               “(2) conducts individualized reentry career plan-  
19               ning upon the start of incarceration or post-release  
20               employment planning for each offender served under  
21               the grant;

22               “(3) demonstrates connections to employers with-  
23               in the local community; or

24               “(4) tracks and monitors employment out-  
25               comes.”; and

1           (7) *by adding at the end the following:*

2           “(f) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
3 *authorized to be appropriated to carry out this section*  
4 *\$10,000,000 for each of fiscal years 2019, 2020, 2021, 2022,*  
5 *and 2023.”.*

6           (e) *OFFENDER REENTRY SUBSTANCE ABUSE AND*  
7 *CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section*  
8 *201(f)(1) of the Second Chance Act of 2007 (34 U.S.C.*  
9 *60521(f)(1)) is amended to read as follows:*

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

13           (f) *COMMUNITY-BASED MENTORING AND TRANSI-*  
14 *TIONAL SERVICE GRANTS TO NONPROFIT ORGANIZA-*  
15 *TIONS.—*

16           (1) *IN GENERAL.—Section 211 of the Second*  
17 *Chance Act of 2007 (34 U.S.C. 60531) is amended—*

18           (A) *in the header, by striking “MEN-*  
19 *TORING GRANTS TO NONPROFIT ORGANI-*  
20 *ZATIONS” and inserting “COMMUNITY-*  
21 *BASED MENTORING AND TRANSITIONAL*  
22 *SERVICE GRANTS TO NONPROFIT ORGANI-*  
23 *ZATIONS”;*

24           (B) *in subsection (a), by striking “men-*  
25 *toring and other”;*

1           (C) in subsection (b), by striking paragraph  
2           (2) and inserting the following:

3           “(2) transitional services to assist in the re-  
4           integration of offenders into the community, includ-  
5           ing—

6           “(A) educational, literacy, and vocational,  
7           services and the Transitional Jobs strategy;

8           “(B) substance abuse treatment and serv-  
9           ices;

10          “(C) coordinated supervision and services  
11          for offenders, including physical health care and  
12          comprehensive housing and mental health care;

13          “(D) family services; and

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

16          (D) in subsection (f), by striking “this sec-  
17          tion” and all that follows and inserting the fol-  
18          lowing: “this section \$15,000,000 for each of fis-  
19          cal years 2019 through 2023.”.

20          (2) *TABLE OF CONTENTS AMENDMENT.*—*The*  
21          *table of contents in section 2 of the Second Chance*  
22          *Act of 2007 (Public Law 110–199; 122 Stat. 657) is*  
23          *amended by striking the item relating to section 211*  
24          *and inserting the following:*

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

25          (g) *DEFINITIONS.*—

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

4           **“SEC. 4. DEFINITIONS.**

5           *“In this Act—*

6           *“(1) the term ‘exoneree’ means an individual*  
7           *who—*

8                     *“(A) has been convicted of a Federal, tribal,*  
9                     *or State offense that is punishable by a term of*  
10                    *imprisonment of more than 1 year;*

11                    *“(B) has served a term of imprisonment for*  
12                    *not less than 6 months in a Federal, tribal, or*  
13                    *State prison or correctional facility as a result*  
14                    *of the conviction described in subparagraph (A);*  
15                    *and*

16                    *“(C) has been determined to be factually in-*  
17                    *nocent of the offense described in subparagraph*  
18                    *(A);*

19                    *“(2) the term ‘Indian tribe’ has the meaning*  
20                    *given in section 901 of title I of the Omnibus Crime*  
21                    *Control and Safe Streets Act of 1968 (34 U.S.C.*  
22                    *10251);*

23                    *“(3) the term ‘offender’ includes an exoneree; and*

24                    *“(4) the term ‘Transitional Jobs strategy’ means*  
25                    *an employment strategy for youth and adults who are*

1 *chronically unemployed or those that have barriers to*  
2 *employment that—*

3 *“(A) is conducted by State, tribal, and local*  
4 *governments, State, tribal, and local workforce*  
5 *boards, and nonprofit organizations;*

6 *“(B) provides time-limited employment*  
7 *using individual placements, team placements,*  
8 *and social enterprise placements, without dis-*  
9 *placing existing employees;*

10 *“(C) pays wages in accordance with appli-*  
11 *cable law, but in no event less than the higher*  
12 *of the rate specified in section 6(a)(1) of the Fair*  
13 *Labor Standards Act of 1938 (29 U.S.C.*  
14 *206(a)(1)) or the applicable State or local min-*  
15 *imum wage law, which are subsidized, in whole*  
16 *or in part, by public funds;*

17 *“(D) combines time-limited employment*  
18 *with activities that promote skill development,*  
19 *remove barriers to employment, and lead to un-*  
20 *subsidized employment such as a thorough ori-*  
21 *entation and individual assessment, job readi-*  
22 *ness and life skills training, case management*  
23 *and supportive services, adult education and*  
24 *training, child support-related services, job reten-*

1            *tion support and incentives, and other similar*  
 2            *activities;*

3            *“(E) places participants into unsubsidized*  
 4            *employment; and*

5            *“(F) provides job retention, re-employment*  
 6            *services, and continuing and vocational edu-*  
 7            *cation to ensure continuing participation in un-*  
 8            *subsidized employment and identification of op-*  
 9            *portunities for advancement.”.*

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

*“Sec. 4. Definitions.”.*

15           *(h) EXTENSION OF THE LENGTH OF SECTION 2976*  
 16           *GRANTS.—Section 6(1) of the Second Chance Act of 2007*  
 17           *(34 U.S.C. 60504(1)) is amended by inserting “or under*  
 18           *section 2976 of the Omnibus Crime Control and Safe Streets*  
 19           *Act of 1968 (34 U.S.C. 10631)” after “and 212”.*

20           **SEC. 503. AUDIT AND ACCOUNTABILITY OF GRANTEES.**

21           *(a) DEFINITIONS.—In this section—*

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

1           (2) *the term “covered grantee” means a recipient*  
2 *of a grant from a covered grant program;*

3           (3) *the term “nonprofit”, when used with respect*  
4 *to an organization, means an organization that is de-*  
5 *scribed in section 501(c)(3) of the Internal Revenue*  
6 *Code of 1986, and is exempt from taxation under sec-*  
7 *tion 501(a) of such Code; and*

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

17       (b) *AUDIT REQUIREMENT.—Beginning in fiscal year*  
18 *2019, and annually thereafter, the Inspector General of the*  
19 *Department of Justice shall conduct audits of covered*  
20 *grantees to prevent waste, fraud, and abuse of funds award-*  
21 *ed under covered grant programs. The Inspector General*  
22 *shall determine the appropriate number of covered grantees*  
23 *to be audited each year.*

24       (c) *MANDATORY EXCLUSION.—A grantee that is found*  
25 *to have an unresolved audit finding under an audit con-*

1 ducted under subsection (b) may not receive grant funds  
2 under a covered grant program in the fiscal year following  
3 the fiscal year to which the finding relates.

4 (d) *REIMBURSEMENT.*—If a covered grantee is award-  
5 ed funds under the covered grant program from which it  
6 received a grant award during the 1-fiscal-year period dur-  
7 ing which the covered grantee is ineligible for an allocation  
8 of grant funds under subsection (c), the Attorney General  
9 shall—

10 (1) deposit into the General Fund of the Treas-  
11 ury an amount that is equal to the amount of the  
12 grant funds that were improperly awarded to the cov-  
13 ered grantee; and

14 (2) seek to recoup the costs of the repayment to  
15 the Fund from the covered grantee that was improv-  
16 erly awarded the grant funds.

17 (e) *PRIORITY OF GRANT AWARDS.*—The Attorney Gen-  
18 eral, in awarding grants under a covered grant program  
19 shall give priority to eligible entities that during the 2-year  
20 period preceding the application for a grant have not been  
21 found to have an unresolved audit finding.

22 (f) *NONPROFIT REQUIREMENTS.*—

23 (1) *PROHIBITION.*—A nonprofit organization  
24 that holds money in offshore accounts for the purpose  
25 of avoiding the tax described in section 511(a) of the

1 *Internal Revenue Code of 1986, shall not be eligible*  
2 *to receive, directly or indirectly, any funds from a*  
3 *covered grant program.*

4 (2) *DISCLOSURE.—Each nonprofit organization*  
5 *that is a covered grantee shall disclose in its applica-*  
6 *tion for such a grant, as a condition of receipt of such*  
7 *a grant, the compensation of its officers, directors,*  
8 *and trustees. Such disclosure shall include a descrip-*  
9 *tion of the criteria relied on to determine such com-*  
10 *penensation.*

11 (g) *PROHIBITION ON LOBBYING ACTIVITY.—*

12 (1) *IN GENERAL.—Amounts made available*  
13 *under a covered grant program may not be used by*  
14 *any covered grantee to—*

15 (A) *lobby any representative of the Depart-*  
16 *ment of Justice regarding the award of grant*  
17 *funding; or*

18 (B) *lobby any representative of the Federal*  
19 *Government or a State, local, or tribal govern-*  
20 *ment regarding the award of grant funding.*

21 (2) *PENALTY.—If the Attorney General deter-*  
22 *mines that a covered grantee has violated paragraph*  
23 *(1), the Attorney General shall—*

24 (A) *require the covered grantee to repay the*  
25 *grant in full; and*

1           (B) prohibit the covered grantee from receiving  
 2           ing a grant under the covered grant program  
 3           from which it received a grant award during at  
 4           least the 5-year period beginning on the date of  
 5           such violation.

6 **SEC. 504. FEDERAL REENTRY IMPROVEMENTS.**

7           (a) *RESPONSIBLE REINTEGRATION OF OFFENDERS.*—  
 8           Section 212 of the Second Chance Act of 2007 (34 U.S.C.  
 9           60532) is repealed.

10          (b) *FEDERAL PRISONER REENTRY INITIATIVE.*—Sec-  
 11          tion 231 of the Second Chance Act of 2007 (434 U.S.C.  
 12          60541) is amended—

13               (1) in subsection (g)—

14                       (A) in paragraph (3), by striking “carried  
 15                       out during fiscal years 2009 and 2010” and in-  
 16                       serting “carried out during fiscal years 2019  
 17                       through 2023”; and

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

20               (2) by striking subsection (h);

21               (3) by redesignating subsection (i) as subsection  
 22               (h); and

23               (4) in subsection (h), as so redesignated, by  
 24               striking “2009 and 2010” and inserting “2019  
 25               through 2023”.

1       (c) *ENHANCING REPORTING REQUIREMENTS PER-*  
2 *TAINING TO COMMUNITY CORRECTIONS.*—Section 3624(c) of  
3 *title 18, United States Code, is amended—*

4           (1) *in paragraph (5), in the second sentence, by*  
5 *inserting “, and number of prisoners not being placed*  
6 *in community corrections facilities for each reason set*  
7 *forth” before “, and any other information”; and*

8           (2) *in paragraph (6), by striking “the Second*  
9 *Chance Act of 2007” and inserting “the Second*  
10 *Chance Reauthorization Act of 2018”.*

11       (d) *TERMINATION OF STUDY ON EFFECTIVENESS OF*  
12 *DEPOT NALTREXONE FOR HEROIN ADDICTION.*—Section  
13 *244 of the Second Chance Act of 2007 (34 U.S.C. 60554)*  
14 *is repealed.*

15       (e) *AUTHORIZATION OF APPROPRIATIONS FOR RE-*  
16 *SEARCH.*—Section 245 of the Second Chance Act of 2007  
17 *(34 U.S.C. 60555) is amended—*

18           (1) *by striking “243, and 244” and inserting*  
19 *“and 243”; and*

20           (2) *by striking “\$10,000,000 for each of the fiscal*  
21 *years 2009 and 2010” and inserting “\$5,000,000 for*  
22 *each of the fiscal years 2019, 2020, 2021, 2022, and*  
23 *2023”.*

24       (f) *FEDERAL PRISONER RECIDIVISM REDUCTION PRO-*  
25 *GRAMMING ENHANCEMENT.*—

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

4                   (A) *by redesignating subsection (g) as sub-*  
5                   *section (i); and*

6                   (B) *by inserting after subsection (f) the fol-*  
7                   *lowing:*

8           “(g) *PARTNERSHIPS TO EXPAND ACCESS TO REENTRY*  
9           *PROGRAMS PROVEN TO REDUCE RECIDIVISM.*—

10                   “(1) *DEFINITION.*—The term ‘demonstrated to  
11                   *reduce recidivism’ means that the Director of Bureau*  
12                   *of Prisons has determined that appropriate research*  
13                   *has been conducted and has validated the effectiveness*  
14                   *of the type of program on recidivism.*

15                   “(2) *ELIGIBILITY FOR RECIDIVISM REDUCTION*  
16                   *PARTNERSHIP.*—A *faith-based or community-based*  
17                   *nonprofit organization that provides mentoring or*  
18                   *other programs that have been demonstrated to reduce*  
19                   *recidivism is eligible to enter into a recidivism reduc-*  
20                   *tion partnership with a prison or community-based*  
21                   *facility operated by the Bureau of Prisons.*

22                   “(3) *RECIDIVISM REDUCTION PARTNERSHIPS.*—  
23                   *The Director of the Bureau of Prisons shall develop*  
24                   *policies to require wardens of prisons and commu-*  
25                   *nity-based facilities to enter into recidivism reduction*

1 *partnerships with faith-based and community-based*  
2 *nonprofit organizations that are willing to provide,*  
3 *on a volunteer basis, programs described in para-*  
4 *graph (2).*

5 “(4) *REPORTING REQUIREMENT.*—*The Director*  
6 *of the Bureau of Prisons shall submit to Congress an*  
7 *annual report on the last day of each fiscal year*  
8 *that—*

9 “(A) *details, for each prison and commu-*  
10 *nity-based facility for the fiscal year just*  
11 *ended—*

12 “(i) *the number of recidivism reduction*  
13 *partnerships under this section that were in*  
14 *effect;*

15 “(ii) *the number of volunteers that pro-*  
16 *vided recidivism reduction programming;*  
17 *and*

18 “(iii) *the number of recidivism reduc-*  
19 *tion programming hours provided; and*

20 “(B) *explains any disparities between fa-*  
21 *cilities in the numbers reported under subpara-*  
22 *graph (A).”.*

23 (2) *EFFECTIVE DATE.*—*The amendments made*  
24 *by paragraph (1) shall take effect 180 days after the*  
25 *date of enactment of this Act.*

1       (g) *REPEALS.*—

2               (1) *Section 2978 of title I of the Omnibus Crime*  
3       *Control and Safe Streets Act of 1968 (34 U.S.C.*  
4       *10633) is repealed.*

5               (2) *Part CC of title I of the Omnibus Crime*  
6       *Control and Safe Streets Act of 1968 (34 U.S.C.*  
7       *10581 et seq.) is repealed.*

8       **SEC. 505. FEDERAL INTERAGENCY REENTRY COORDINA-**  
9                               **TION.**

10       (a) *REENTRY COORDINATION.*—*The Attorney General,*  
11 *in consultation with the Secretary of Housing and Urban*  
12 *Development, the Secretary of Labor, the Secretary of Edu-*  
13 *cation, the Secretary of Health and Human Services, the*  
14 *Secretary of Veterans Affairs, the Secretary of Agriculture,*  
15 *and the heads of such other agencies of the Federal Govern-*  
16 *ment as the Attorney General considers appropriate, and*  
17 *in collaboration with interested persons, service providers,*  
18 *nonprofit organizations, and State, tribal, and local govern-*  
19 *ments, shall coordinate on Federal programs, policies, and*  
20 *activities relating to the reentry of individuals returning*  
21 *from incarceration to the community, with an emphasis on*  
22 *evidence-based practices and protection against duplication*  
23 *of services.*

24       (b) *REPORT.*—*Not later than 2 years after the date*  
25 *of the enactment of this Act, the Attorney General, in con-*

1 *sultation with the Secretaries listed in subsection (a), shall*  
2 *submit to Congress a report summarizing the achievements*  
3 *under subsection (a), and including recommendations for*  
4 *Congress that would further reduce barriers to successful re-*  
5 *entry.*

6 **SEC. 506. CONFERENCE EXPENDITURES.**

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

22       (b) *WRITTEN APPROVAL.*—Written approval under  
23 *subsection (a) shall include a written estimate of all costs*  
24 *associated with the conference, including the cost of all food*

1 *and beverages, audiovisual equipment, honoraria for speak-*  
2 *ers, and any entertainment.*

3       (c) *REPORT.—The Deputy Attorney General shall sub-*  
4 *mit an annual report to the Committee on the Judiciary*  
5 *of the Senate and the Committee on the Judiciary of the*  
6 *House of Representatives on all approved conference ex-*  
7 *penditures referenced in this section.*

8 **SEC. 507. EVALUATION OF THE SECOND CHANCE ACT PRO-**  
9 **GRAM.**

10       (a) *EVALUATION OF THE SECOND CHANCE ACT GRANT*  
11 *PROGRAM.—Not later than 5 years after the date of enact-*  
12 *ment of this Act, the National Institute of Justice shall*  
13 *evaluate the effectiveness of grants used by the Department*  
14 *of Justice to support offender reentry and recidivism reduc-*  
15 *tion programs at the State, local, Tribal, and Federal levels.*  
16 *The National Institute of Justice shall evaluate the fol-*  
17 *lowing:*

18               (1) *The effectiveness of such programs in relation*  
19 *to their cost, including the extent to which the pro-*  
20 *grams improve reentry outcomes, including employ-*  
21 *ment, education, housing, reductions in recidivism, of*  
22 *participants in comparison to comparably situated*  
23 *individuals who did not participate in such programs*  
24 *and activities.*

1           (2) *The effectiveness of program structures and*  
2           *mechanisms for delivery of services.*

3           (3) *The impact of such programs on the commu-*  
4           *nities and participants involved.*

5           (4) *The impact of such programs on related pro-*  
6           *grams and activities.*

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

9           (6) *The quality and effectiveness of technical as-*  
10          *sistance provided by the Department of Justice to*  
11          *grantees for implementing such programs.*

12          (7) *Such other factors as may be appropriate.*

13          (b) *AUTHORIZATION OF FUNDS FOR EVALUATION.—*

14 *Not more than 1 percent of any amounts authorized to be*  
15 *appropriated to carry out the Second Chance Act grant pro-*  
16 *gram shall be made available to the National Institute of*  
17 *Justice each year to evaluate the processes, implementation,*  
18 *outcomes, costs, and effectiveness of the Second Chance Act*  
19 *grant program in improving reentry and reducing recidi-*  
20 *vism. Such funding may be used to provide support to*  
21 *grantees for supplemental data collection, analysis, and co-*  
22 *ordination associated with evaluation activities.*

23          (c) *TECHNIQUES.—Evaluations conducted under this*  
24 *section shall use appropriate methodology and research de-*  
25 *signs. Impact evaluations conducted under this section shall*

1 *include the use of intervention and control groups chosen*  
2 *by random assignment methods, to the extent possible.*

3 *(d) METRICS AND OUTCOMES FOR EVALUATION.—*

4 *(1) IN GENERAL.—Not later than 180 days after*  
5 *the date of enactment of this Act, the National Insti-*  
6 *tute of Justice shall consult with relevant stakeholders*  
7 *and identify outcome measures, including employ-*  
8 *ment, housing, education, and public safety, that are*  
9 *to be achieved by programs authorized under the Sec-*  
10 *ond Chance Act grant program and the metrics by*  
11 *which the achievement of such outcomes shall be deter-*  
12 *mined.*

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

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

1 *of confidentiality shall be protected by the National Insti-*  
2 *tute of Justice in accordance with such pledge.*

3 (f) *DATA ACCESSIBILITY.*—*Not later than 5 years after*  
4 *the date of enactment of this Act, the National Institute of*  
5 *Justice shall—*

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

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

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

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

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

24 (3) *not later than 60 days after the completion*  
25 *date described in paragraph (2), submit a report to*

1 *the Committee on the Judiciary of the House of Rep-*  
2 *resentatives and the Committee on the Judiciary of*  
3 *the Senate on such evaluation.*

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

8 **SEC. 508. GAO REVIEW.**

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

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

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

23 *(3) an evaluation of the effectiveness of mental*  
24 *health services, drug treatment, medical care, job*  
25 *training and placement, educational services, and vo-*

1     *cational services programs funded under this title and*  
2     *amendments made by this title.*

3     ***TITLE VI—MISCELLANEOUS***  
4     ***CRIMINAL JUSTICE***

5     ***SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.***

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

8             *(1) by striking “shall designate the place of the*  
9     *prisoner’s imprisonment.” and inserting “shall des-*  
10    *ignate the place of the prisoner’s imprisonment, and*  
11    *shall, subject to bed availability, the prisoner’s secu-*  
12    *rity designation, the prisoner’s programmatic needs,*  
13    *the prisoner’s mental and medical health needs, any*  
14    *request made by the prisoner related to faith-based*  
15    *needs, recommendations of the sentencing court, and*  
16    *other security concerns of the Bureau of Prisons, place*  
17    *the prisoner in a facility as close as practicable to the*  
18    *prisoner’s primary residence, and to the extent prac-*  
19    *ticable, in a facility within 500 driving miles of that*  
20    *residence. The Bureau shall, subject to consideration*  
21    *of the factors described in the preceding sentence and*  
22    *the prisoner’s preference for staying at his or her cur-*  
23    *rent facility or being transferred, transfer prisoners to*  
24    *facilities that are closer to the prisoner’s primary res-*

1        *idence even if the prisoner is already in a facility*  
 2        *within 500 driving miles of that residence.”; and*

3                *(2) by adding at the end the following: “Notwith-*  
 4        *standing any other provision of law, a designation of*  
 5        *a place of imprisonment under this subsection is not*  
 6        *reviewable by any court.”.*

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

8        *Section 3624(c)(2) of title 18, United States Code, is*  
 9        *amended by adding at the end the following: “The Bureau*  
 10        *of Prisons shall, to the extent practicable, place prisoners*  
 11        *with lower risk levels and lower needs on home confinement*  
 12        *for the maximum amount of time permitted under this*  
 13        *paragraph.”.*

14        **SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAU-**  
 15                        **THORIZATION; MODIFICATION OF IMPOSED**  
 16                        **TERM OF IMPRISONMENT.**

17        *(a) FEDERAL PRISONER REENTRY INITIATIVE REAU-*  
 18        *THORIZATION.—Section 231(g) of the Second Chance Act*  
 19        *of 2007 (34 U.S.C. 60541(g)) is amended—*

20                *(1) in paragraph (1)—*

21                        *(A) by inserting “and eligible terminally ill*  
 22                        *offenders” after “elderly offenders” each place the*  
 23                        *term appears;*

1           (B) in subparagraph (A), by striking “a  
2           Bureau of Prisons facility” and inserting “Bu-  
3           reau of Prisons facilities”;

4           (C) in subparagraph (B)—

5                 (i) by striking “the Bureau of Prisons  
6                 facility” and inserting “Bureau of Prisons  
7                 facilities”; and

8                 (ii) by inserting “, upon written re-  
9                 quest from either the Bureau of Prisons or  
10                an eligible elderly offender or eligible termi-  
11               nally ill offender” after “to home deten-  
12               tion”; and

13           (D) in subparagraph (C), by striking “the  
14           Bureau of Prisons facility” and inserting “Bu-  
15           reau of Prisons facilities”;

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

18           (3) in paragraph (3), as amended by section  
19           504(b)(1)(A) of this Act, by striking “at least one Bu-  
20           reau of Prisons facility” and inserting “Bureau of  
21           Prisons facilities”; and

22           (4) in paragraph (4)—

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

1           (B) by inserting “and eligible terminally ill  
2 offenders” after “eligible elderly offenders”; and  
3 (5) in paragraph (5)—

4           (A) in subparagraph (A)—

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

7               (ii) in clause (ii), as amended by sec-  
8 tion 504(b)(1)(B) of this Act, by striking  
9 “75 percent” and inserting “ $\frac{2}{3}$ ”; and

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

11          “(D) *ELIGIBLE TERMINALLY ILL OF-*  
12 *FENDER.—The term ‘eligible terminally ill of-*  
13 *fender’ means an offender in the custody of the*  
14 *Bureau of Prisons who—*

15               “(i) is serving a term of imprisonment  
16 based on conviction for an offense or offenses  
17 that do not include any crime of violence  
18 (as defined in section 16(a) of title 18,  
19 United States Code), sex offense (as defined  
20 in section 111(5) of the Sex Offender Reg-  
21 istration and Notification Act (34 U.S.C.  
22 20911(5))), offense described in section  
23 2332b(g)(5)(B) of title 18, United States  
24 Code, or offense under chapter 37 of title 18,  
25 United States Code;

1           “(ii) satisfies the criteria specified in  
2           clauses (iii) through (vii) of subparagraph  
3           (A); and

4           “(iii) has been determined by a med-  
5           ical doctor approved by the Bureau of Pris-  
6           ons to be—

7                   “(I) in need of care at a nursing  
8                   home, intermediate care facility, or as-  
9                   sisted living facility, as those terms are  
10                  defined in section 232 of the National  
11                  Housing Act (12 U.S.C. 1715w); or

12                   “(II) diagnosed with a terminal  
13                  illness.”.

14           (b) *INCREASING THE USE AND TRANSPARENCY OF*  
15           *COMPASSIONATE RELEASE.*—Section 3582 of title 18,  
16           *United States Code, is amended—*

17                   (1) in subsection (c)(1)(A), in the matter pre-  
18                   ceding clause (i), by inserting after “Bureau of Pris-  
19                   ons,” the following: “or upon motion of the defendant  
20                   after the defendant has fully exhausted all adminis-  
21                   trative rights to appeal a failure of the Bureau of  
22                   Prisons to bring a motion on the defendant’s behalf  
23                   or the lapse of 30 days from the receipt of such a re-  
24                   quest by the warden of the defendant’s facility, which-  
25                   ever is earlier,”;

1           (2) by redesignating subsection (d) as subsection  
2           (e); and

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

5           “(d) NOTIFICATION REQUIREMENTS.—

6                 “(1) TERMINAL ILLNESS DEFINED.—In this sub-  
7           section, the term ‘terminal illness’ means a disease or  
8           condition with an end-of-life trajectory.

9                 “(2) NOTIFICATION.—The Bureau of Prisons  
10           shall, subject to any applicable confidentiality re-  
11           quirements—

12                     “(A) in the case of a defendant diagnosed  
13           with a terminal illness—

14                             “(i) not later than 72 hours after the  
15           diagnosis notify the defendant’s attorney,  
16           partner, and family members of the defend-  
17           ant’s condition and inform the defendant’s  
18           attorney, partner, and family members that  
19           they may prepare and submit on the de-  
20           fendant’s behalf a request for a sentence re-  
21           duction pursuant to subsection (c)(1)(A);

22                             “(ii) not later than 7 days after the  
23           date of the diagnosis, provide the defend-  
24           ant’s partner and family members (includ-

1           *ing extended family) with an opportunity*  
2           *to visit the defendant in person;*

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

10           “(iv) not later than 14 days of receipt  
11           of a request for a sentence reduction sub-  
12           mitted on the defendant’s behalf by the de-  
13           fendant or the defendant’s attorney, part-  
14           ner, or family member, process the request;

15           “(B) in the case of a defendant who is phys-  
16           ically or mentally unable to submit a request for  
17           a sentence reduction pursuant to subsection  
18           (c)(1)(A)—

19           “(i) inform the defendant’s attorney,  
20           partner, and family members that they may  
21           prepare and submit on the defendant’s be-  
22           half a request for a sentence reduction pur-  
23           suant to subsection (c)(1)(A);

24           “(ii) accept and process a request for  
25           sentence reduction that has been prepared

1           *and submitted on the defendant’s behalf by*  
2           *the defendant’s attorney, partner, or family*  
3           *member under clause (i); and*

4                   “(iii) upon request from the defendant  
5                   or his attorney, partner, or family member,  
6                   ensure that Bureau of Prisons employees as-  
7                   sist the defendant in the preparation, draft-  
8                   ing, and submission of a request for a sen-  
9                   tence reduction pursuant to subsection  
10                  (c)(1)(A); and

11                  “(C) ensure that all Bureau of Prisons fa-  
12                  cilities regularly and visibly post, including in  
13                  prisoner handbooks, staff training materials, and  
14                  facility law libraries and medical and hospice  
15                  facilities, and make available to prisoners upon  
16                  demand, notice of—

17                       “(i) a defendant’s ability to request a  
18                       sentence reduction pursuant to subsection  
19                       (c)(1)(A);

20                       “(ii) the procedures and timelines for  
21                       initiating and resolving requests described  
22                       in clause (i); and

23                       “(iii) the right to appeal a denial of a  
24                       request described in clause (i) after all ad-

1            *ministrative rights to appeal within the*  
2            *Bureau of Prisons have been exhausted.*

3            “(3) *ANNUAL REPORT.*—*Not later than 1 year*  
4            *after the date of enactment of this subsection, and*  
5            *once every year thereafter, the Director of the Bureau*  
6            *of Prisons shall submit to the Committee on the Judi-*  
7            *ciary of the Senate and the Committee on the Judici-*  
8            *ary of the House of Representatives a report on re-*  
9            *quests for sentence reductions pursuant to subsection*  
10           *(c)(1)(A), which shall include a description of, for the*  
11           *previous year—*

12                    “(A) *the number of prisoners granted and*  
13                    *denied sentence reductions, categorized by the*  
14                    *criteria relied on as the grounds for a reduction*  
15                    *in sentence;*

16                    “(B) *the number of requests initiated by or*  
17                    *on behalf of prisoners, categorized by the criteria*  
18                    *relied on as the grounds for a reduction in sen-*  
19                    *tence;*

20                    “(C) *the number of requests that Bureau of*  
21                    *Prisons employees assisted prisoners in drafting,*  
22                    *preparing, or submitting, categorized by the cri-*  
23                    *teria relied on as the grounds for a reduction in*  
24                    *sentence, and the final decision made in each re-*  
25                    *quest;*

1           “(D) the number of requests that attorneys,  
2           partners, or family members submitted on a de-  
3           fendant’s behalf, categorized by the criteria relied  
4           on as the grounds for a reduction in sentence,  
5           and the final decision made in each request;

6           “(E) the number of requests approved by the  
7           Director of the Bureau of Prisons, categorized by  
8           the criteria relied on as the grounds for a reduc-  
9           tion in sentence;

10          “(F) the number of requests denied by the  
11          Director of the Bureau of Prisons and the rea-  
12          sons given for each denial, categorized by the cri-  
13          teria relied on as the grounds for a reduction in  
14          sentence;

15          “(G) for each request, the time elapsed be-  
16          tween the date the request was received by the  
17          warden and the final decision, categorized by the  
18          criteria relied on as the grounds for a reduction  
19          in sentence;

20          “(H) for each request, the number of pris-  
21          oners who died while their request was pending  
22          and, for each, the amount of time that had  
23          elapsed between the date the request was received  
24          by the Bureau of Prisons, categorized by the cri-

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

3            *“(I) the number of Bureau of Prisons notifi-*  
4            *cations to attorneys, partners, and family mem-*  
5            *bers of their right to visit a terminally ill de-*  
6            *fendant as required under paragraph (2)(A)(ii)*  
7            *and, for each, whether a visit occurred and how*  
8            *much time elapsed between the notification and*  
9            *the visit;*

10           *“(J) the number of visits to terminally ill*  
11           *prisoners that were denied by the Bureau of*  
12           *Prisons due to security or other concerns, and*  
13           *the reasons given for each denial; and*

14           *“(K) the number of motions filed by defend-*  
15           *ants with the court after all administrative*  
16           *rights to appeal a denial of a sentence reduction*  
17           *had been exhausted, the outcome of each motion,*  
18           *and the time that had elapsed between the date*  
19           *the request was first received by the Bureau of*  
20           *Prisons and the date the defendant filed the mo-*  
21           *tion with the court.”.*

22    **SEC. 604. IDENTIFICATION FOR RETURNING CITIZENS.**

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

1           (1) *in paragraph (1)—*

2                   (A) *by striking “(including” and inserting*  
3                   *“prior to release from a term of imprisonment in*  
4                   *a Federal prison or if the individual was not*  
5                   *sentenced to a term of imprisonment in a Fed-*  
6                   *eral prison, prior to release from a sentence to*  
7                   *a term in community confinement, including”;*  
8                   *and*

9                   (B) *by striking “or birth certificate) prior*  
10                  *to release” and inserting “and a birth certifi-*  
11                  *cate”;* *and*

12           (2) *by adding at the end the following:*

13                   “(4) *DEFINITION.—In this subsection, the term*  
14                   *‘community confinement’ means residence in a com-*  
15                   *munity treatment center, halfway house, restitution*  
16                   *center, mental health facility, alcohol or drug reha-*  
17                   *ilitation center, or other community facility.”.*

18           (b) *DUTIES OF THE BUREAU OF PRISONS.—Section*  
19           *4042(a) of title 18, United States Code, is amended—*

20                   (1) *by redesignating paragraphs (D) and (E) as*  
21                   *paragraphs (6) and (7), respectively;*

22                   (2) *in paragraph (6) (as so redesignated)—*

23                           (A) *in clause (i)—*

24                                   (i) *by striking “Social Security*  
25                                   *Cards,”; and*

- 1                   (ii) by striking “and” at the end;
- 2                   (B) by redesignating clause (ii) as clause
- 3                   (iii);
- 4                   (C) by inserting after clause (i) the fol-
- 5                   lowing:
- 6                   “(ii) obtain identification, including a
- 7                   social security card, driver’s license or other
- 8                   official photo identification, and a birth
- 9                   certificate; and”;
- 10                  (D) in clause (iii) (as so redesignated), by
- 11                  inserting after “prior to release” the following:
- 12                  “from a sentence to a term of imprisonment in
- 13                  a Federal prison or if the individual was not
- 14                  sentenced to a term of imprisonment in a Fed-
- 15                  eral prison, prior to release from a sentence to
- 16                  a term of community confinement”; and
- 17                  (E) by redesignating clauses (i), (ii), and
- 18                  (iii) (as so amended) as subparagraphs (A), (B),
- 19                  and (C), respectively, and adjusting the margins
- 20                  accordingly; and
- 21                  (3) in paragraph (7) (as so redesignated), by re-
- 22                  designating clauses (i) through (vii) as subparagraphs
- 23                  (A) through (G), respectively, and adjusting the mar-
- 24                  gins accordingly.

1 **SEC. 605. EXPANDING INMATE EMPLOYMENT THROUGH**  
2 **FEDERAL PRISON INDUSTRIES.**

3 (a) *NEW MARKET AUTHORIZATIONS.*—Chapter 307 of  
4 title 18, United States Code, is amended by inserting after  
5 section 4129 the following:

6 **“§4130. Additional markets**

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

10 “(1) *public entities for use in penal or correc-*  
11 *tional institutions;*

12 “(2) *public entities for use in disaster relief or*  
13 *emergency response;*

14 “(3) *the government of the District of Columbia;*  
15 *and*

16 “(4) *any organization described in subsection*  
17 *(c)(3), (c)(4), or (d) of section 501 of the Internal*  
18 *Revenue Code of 1986 that is exempt from taxation*  
19 *under section 501(a) of such Code.*

20 “(b) *OFFICE FURNITURE.*—Federal Prison Industries  
21 *may not sell office furniture to the organizations described*  
22 *in subsection (a)(4).*

23 “(c) *DEFINITIONS.*—In this section:

24 “(1) *The term ‘office furniture’ means any prod-*  
25 *uct or service offering intended to meet the furnishing*

1     *needs of the workplace, including office, healthcare,*  
2     *educational, and hospitality environments.*

3             “(2) *The term ‘public entity’ means a State, a*  
4     *subdivision of a State, an Indian tribe, and an agen-*  
5     *cy or governmental corporation or business of any of*  
6     *the foregoing.*

7             “(3) *The term ‘State’ means a State, the District*  
8     *of Columbia, the Commonwealth of Puerto Rico,*  
9     *Guam, American Samoa, the Northern Mariana Is-*  
10    *lands, and the United States Virgin Islands.”.*

11            **(b) TECHNICAL AMENDMENT.**—*The table of sections for*  
12    *chapter 307 of title 18, United States Code, is amended by*  
13    *inserting after the item relating to section 4129 the fol-*  
14    *lowing:*

*“4130. Additional markets.”.*

15            **(c) DEFERRED COMPENSATION.**—*Section 4126(c)(4) of*  
16    *title 18, United States Code, is amended by inserting after*  
17    *“operations,” the following: “not less than 15 percent of*  
18    *such compensation for any inmate shall be reserved in the*  
19    *fund or a separate account and made available to assist*  
20    *the inmate with costs associated with release from prison,”.*

21            **(d) GAO REPORT.**—*Beginning not later than 90 days*  
22    *after the date of enactment of this Act, the Comptroller Gen-*  
23    *eral of the United States shall conduct an audit of Federal*  
24    *Prison Industries that includes the following:*

1           (1) *An evaluation of Federal Prison Industries's*  
2 *effectiveness in reducing recidivism compared to other*  
3 *rehabilitative programs in the prison system.*

4           (2) *An evaluation of the scope and size of the ad-*  
5 *ditional markets made available to Federal Prison*  
6 *Industries under this section and the total market*  
7 *value that would be opened up to Federal Prison In-*  
8 *dustries for competition with private sector providers*  
9 *of products and services.*

10          (3) *An evaluation of whether the following fac-*  
11 *tors create an unfair competitive environment be-*  
12 *tween Federal Prison Industries and private sector*  
13 *providers of products and services which would be ex-*  
14 *acerbated by further expansion:*

15           (A) *Federal Prison Industries's status as a*  
16 *mandatory source of supply for Federal agencies*  
17 *and the requirement that the buying agency*  
18 *must obtain a waiver in order to make a com-*  
19 *petitive purchase from the private sector if the*  
20 *item to be acquired is listed on the schedule of*  
21 *products and services published by Federal Pris-*  
22 *on Industries.*

23           (B) *Federal Prison Industries's ability to*  
24 *determine that the price to be paid by Federal*  
25 *Agencies is fair and reasonable, rather than such*

1           *a determination being made by the buying agen-*  
2           *cy.*

3           *(C) An examination of the extent to which*  
4           *Federal Prison Industries is bound by the re-*  
5           *quirements of the generally applicable Federal*  
6           *Acquisition Regulation pertaining to the con-*  
7           *formity of the delivered product with the speci-*  
8           *fied design and performance specifications and*  
9           *adherence to the delivery schedule required by the*  
10          *Federal agency, based on the transactions being*  
11          *categorized as interagency transfers.*

12          *(D) An examination of the extent to which*  
13          *Federal Prison Industries avoids transactions*  
14          *that are little more than pass through trans-*  
15          *actions where the work provided by inmates does*  
16          *not create meaningful value or meaningful work*  
17          *opportunities for inmates.*

18          *(E) The extent to which Federal Prison In-*  
19          *dustry must comply with the same worker pro-*  
20          *tection, workplace safety and similar regulations*  
21          *applicable to, and enforceable against, Federal*  
22          *contractors.*

23          *(F) The wages Federal Prison Industries*  
24          *pays to inmates, taking into account inmate*  
25          *productivity and other factors such as security*

1            *concerns associated with having a facility in a*  
2            *prison.*

3            *(G) The effect of any additional cost advan-*  
4            *tages Federal Prison Industries has over private*  
5            *sector providers of goods and services, includ-*  
6            *ing—*

7                    *(i) the costs absorbed by the Bureau of*  
8                    *Prisons such as inmate medical care and*  
9                    *infrastructure expenses including real estate*  
10                   *and utilities; and*

11                   *(ii) its exemption from Federal and*  
12                   *State income taxes and property taxes.*

13            *(4) An evaluation of the extent to which the cus-*  
14            *tomers of Federal Prison Industries are satisfied with*  
15            *quality, price, and timely delivery of the products*  
16            *and services provided it provides, including sum-*  
17            *maries of other independent assessments such as re-*  
18            *ports of agency inspectors general, if applicable.*

19    **SEC. 606. DE-ESCALATION TRAINING.**

20            *Beginning not later than 1 year after the date of enact-*  
21            *ment of this Act, the Director of the Bureau of Prisons shall*  
22            *incorporate into training programs provided to officers and*  
23            *employees of the Bureau of Prisons (including officers and*  
24            *employees of an organization with which the Bureau of*  
25            *Prisons has a contract to provide services relating to im-*

1 *prisonment) specialized and comprehensive training in pro-*  
2 *cedures to—*

3           (1) *de-escalate encounters between a law enforce-*  
4 *ment officer or an officer or employee of the Bureau*  
5 *of Prisons, and a civilian or a prisoner (as such term*  
6 *is defined in section 3635 of title 18, United States*  
7 *Code, as added by section 101(a) of this Act); and*

8           (2) *identify and appropriately respond to inci-*  
9 *idents that involve the unique needs of individuals who*  
10 *have a mental illness or cognitive deficit.*

11 **SEC. 607. EVIDENCE-BASED TREATMENT FOR OPIOID AND**  
12 **HEROIN ABUSE.**

13           (a) *REPORT ON EVIDENCE-BASED TREATMENT FOR*  
14 *OPIOID AND HEROIN ABUSE.—Not later than 90 days after*  
15 *the date of enactment of this Act, the Director of the Bureau*  
16 *of Prisons shall submit to the Committees on the Judiciary*  
17 *and the Committees on Appropriations of the Senate and*  
18 *of the House of Representatives a report assessing the avail-*  
19 *ability of and the capacity of the Bureau of Prisons to treat*  
20 *heroin and opioid abuse through evidence-based programs,*  
21 *including medication-assisted treatment where appropriate.*  
22 *In preparing the report, the Director shall consider medica-*  
23 *tion-assisted treatment as a strategy to assist in treatment*  
24 *where appropriate and not as a replacement for holistic and*  
25 *other drug-free approaches. The report shall include a de-*

1 *scription of plans to expand access to evidence-based treat-*  
2 *ment for heroin and opioid abuse for prisoners, including*  
3 *access to medication-assisted treatment in appropriate*  
4 *cases. Following submission, the Director shall take steps*  
5 *to implement these plans.*

6 (b) *REPORT ON THE AVAILABILITY OF MEDICATION-*  
7 *ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,*  
8 *AND IMPLEMENTATION THEREOF.*—*Not later than 120 days*  
9 *after the date of enactment of this Act, the Director of the*  
10 *Administrative Office of the United States Courts shall sub-*  
11 *mit to the Committees on the Judiciary and the Committees*  
12 *on Appropriations of the Senate and of the House of Rep-*  
13 *resentatives a report assessing the availability of and ca-*  
14 *capacity for the provision of medication-assisted treatment for*  
15 *opioid and heroin abuse by treatment service providers serv-*  
16 *ing prisoners who are serving a term of supervised release,*  
17 *and including a description of plans to expand access to*  
18 *medication-assisted treatment for heroin and opioid abuse*  
19 *whenever appropriate among prisoners under supervised re-*  
20 *lease. Following submission, the Director will take steps to*  
21 *implement these plans.*

22 **SEC. 608. PILOT PROGRAMS.**

23 (a) *IN GENERAL.*—*The Bureau of Prisons shall estab-*  
24 *lish each of the following pilot programs for 5 years, in*  
25 *at least 20 facilities:*

1           (1) *MENTORSHIP FOR YOUTH.*—A program to  
2           pair youth with volunteers from faith-based or com-  
3           munity organizations, which may include formerly  
4           incarcerated offenders, that have relevant experience  
5           or expertise in mentoring, and a willingness to serve  
6           as a mentor in such a capacity.

7           (2) *SERVICE TO ABANDONED, RESCUED, OR OTH-*  
8           *ERWISE VULNERABLE ANIMALS.*—A program to equip  
9           prisoners with the skills to provide training and ther-  
10          apy to animals seized by Federal law enforcement  
11          under asset forfeiture authority and to organizations  
12          that provide shelter and similar services to aban-  
13          doned, rescued, or otherwise vulnerable animals.

14          (b) *REPORTING REQUIREMENT.*—Not later than 1 year  
15          after the conclusion of the pilot programs, the Attorney Gen-  
16          eral shall report to Congress on the results of the pilot pro-  
17          grams under this section. Such report shall include cost sav-  
18          ings, numbers of participants, and information about re-  
19          cidivism rates among participants.

20          (c) *DEFINITION.*—In this title, the term “youth”  
21          means a prisoner (as such term is defined in section 3635  
22          of title 18, United States Code, as added by section 101(a)  
23          of this Act) who was 21 years of age or younger at the time  
24          of the commission or alleged commission of the criminal

1 *offense for which the individual is being prosecuted or serv-*  
2 *ing a term of imprisonment, as the case may be.*

3 **SEC. 609. ENSURING SUPERVISION OF RELEASED SEXU-**  
4 **ALLY DANGEROUS PERSONS.**

5 (a) *PROBATION OFFICERS.*—Section 3603 of title 18,  
6 *United States Code, is amended in paragraph (8)(A) by*  
7 *striking “or 4246” and inserting “, 4246, or 4248”.*

8 (b) *PRETRIAL SERVICES OFFICERS.*—Section 3154 of  
9 *title 18, United States Code, is amended in paragraph*  
10 *(12)(A) by striking “or 4246” and inserting “, 4246, or*  
11 *4248”.*

12 **SEC. 610. DATA COLLECTION.**

13 (a) *NATIONAL PRISONER STATISTICS PROGRAM.*—Be-  
14 *ginning not later than 1 year after the date of enactment*  
15 *of this Act, and annually thereafter, pursuant to the author-*  
16 *ity under section 302 of the Omnibus Crime Control and*  
17 *Safe Streets Act of 1968 (42 U.S.C. 3732), the Director of*  
18 *the Bureau of Justice Statistics, with information that shall*  
19 *be provided by the Director of the Bureau of Prisons, shall*  
20 *include in the National Prisoner Statistics Program the fol-*  
21 *lowing:*

22 (1) *The number of prisoners (as such term is de-*  
23 *finied in section 3635 of title 18, United States Code,*  
24 *as added by section 101(a) of this Act) who are vet-*  
25 *erans of the Armed Forces of the United States.*

1           (2) *The number of prisoners who have been*  
2 *placed in solitary confinement at any time during the*  
3 *previous year.*

4           (3) *The number of female prisoners known by the*  
5 *Bureau of Prisons to be pregnant, as well as the out-*  
6 *comes of such pregnancies, including information on*  
7 *pregnancies that result in live birth, stillbirth, mis-*  
8 *carriage, abortion, ectopic pregnancy, maternal death,*  
9 *neonatal death, and preterm birth.*

10          (4) *The number of prisoners who volunteered to*  
11 *participate in a substance abuse treatment program,*  
12 *and the number of prisoners who have participated in*  
13 *such a program.*

14          (5) *The number of prisoners provided medica-*  
15 *tion-assisted treatment with medication approved by*  
16 *the Food and Drug Administration while in custody*  
17 *in order to treat substance use disorder.*

18          (6) *The number of prisoners who were receiving*  
19 *medication-assisted treatment with medication ap-*  
20 *proved by the Food and Drug Administration prior*  
21 *to the commencement of their term of imprisonment.*

22          (7) *The number of prisoners who are the parent*  
23 *or guardian of a minor child.*

24          (8) *The number of prisoners who are single,*  
25 *married, or otherwise in a committed relationship.*

1           (9) *The number of prisoners who have not*  
2 *achieved a GED, high school diploma, or equivalent*  
3 *prior to entering prison.*

4           (10) *The number of prisoners who, during the*  
5 *previous year, received their GED or other equivalent*  
6 *certificate while incarcerated.*

7           (11) *The numbers of prisoners for whom English*  
8 *is a second language.*

9           (12) *The number of incidents, during the pre-*  
10 *vious year, in which restraints were used on a female*  
11 *prisoner during pregnancy, labor, or postpartum re-*  
12 *covery, as well as information relating to the type of*  
13 *restraints used, and the circumstances under which*  
14 *each incident occurred.*

15           (13) *The vacancy rate for medical and*  
16 *healthcare staff positions, and average length of such*  
17 *a vacancy.*

18           (14) *The number of facilities that operated, at*  
19 *any time during the previous year, without at least*  
20 *1 clinical nurse, certified paramedic, or licensed phy-*  
21 *sician on site.*

22           (15) *The number of facilities that during the*  
23 *previous year were accredited by the American Cor-*  
24 *rectional Association.*

1           (16) *The number and type of recidivism reduc-*  
2 *tion partnerships described in section 3621(h)(5) of*  
3 *title 18, United States Code, as added by section*  
4 *102(a) of this Act, entered into by each facility.*

5           (17) *The number of facilities with remote learn-*  
6 *ing capabilities.*

7           (18) *The number of facilities that offer prisoners*  
8 *video conferencing.*

9           (19) *Any changes in costs related to legal phone*  
10 *calls and visits following implementation of section*  
11 *3632(d)(1) of title 18, United States Code, as added*  
12 *by section 101(a) of this Act.*

13           (20) *The number of aliens in prison during the*  
14 *previous year.*

15           (21) *For each Bureau of Prisons facility, the*  
16 *total number of violations that resulted in reductions*  
17 *in rewards, incentives, or time credits, the number of*  
18 *such violations for each category of violation, and the*  
19 *demographic breakdown of the prisoners who have re-*  
20 *ceived such reductions.*

21           (22) *The number of assaults on Bureau of Pris-*  
22 *ons staff by prisoners and the number of criminal*  
23 *prosecutions of prisoners for assaulting Bureau of*  
24 *Prisons staff.*

1           (23) *The capacity of each recidivism reduction*  
2           *program and productive activity to accommodate eli-*  
3           *gible inmates at each Bureau of Prisons facility.*

4           (24) *The number of volunteers who were certified*  
5           *to volunteer in a Bureau of Prisons facility, broken*  
6           *down by level (level I and level II), and by each Bu-*  
7           *reau of Prisons facility.*

8           (25) *The number of prisoners enrolled in recidi-*  
9           *vism reduction programs and productive activities at*  
10          *each Bureau of Prisons facility, broken down by risk*  
11          *level and by program, and the number of those en-*  
12          *rolled prisoners who successfully completed each pro-*  
13          *gram.*

14          (26) *The breakdown of prisoners classified at*  
15          *each risk level by demographic characteristics, includ-*  
16          *ing age, sex, race, and the length of the sentence im-*  
17          *posed.*

18          (b) *REPORT TO JUDICIARY COMMITTEES.—Beginning*  
19          *not later than 1 year after the date of enactment of this*  
20          *Act, and annually thereafter for a period of 7 years, the*  
21          *Director of the Bureau of Justice Statistics shall submit a*  
22          *report containing the information described in paragraphs*  
23          *(1) through (26) of subsection (a) to the Committee on the*  
24          *Judiciary of the Senate and the Committee on the Judici-*  
25          *ary of the House of Representatives.*

1 **SEC. 611. HEALTHCARE PRODUCTS.**

2 (a) *AVAILABILITY.*—*The Director of the Bureau of*  
 3 *Prisons shall make the healthcare products described in sub-*  
 4 *section (c) available to prisoners for free, in a quantity that*  
 5 *is appropriate to the healthcare needs of each prisoner.*

6 (b) *QUALITY PRODUCTS.*—*The Director shall ensure*  
 7 *that the healthcare products provided under this section*  
 8 *conform with applicable industry standards.*

9 (c) *PRODUCTS.*—*The healthcare products described in*  
 10 *this subsection are tampons and sanitary napkins.*

11 **SEC. 612. ADULT AND JUVENILE COLLABORATION PRO-**  
 12 **GRAMS.**

13 *Section 2991 of title I of the Omnibus Crime Control*  
 14 *and Safe Streets Act of 1968 (34 U.S.C. 10651) is amend-*  
 15 *ed—*

16 (1) *in subsection (b)(4)—*

17 (A) *by striking subparagraph (D); and*

18 (B) *by redesignating subparagraph (E) as*  
 19 *subparagraph (D);*

20 (2) *in subsection (e), by striking “may use up to*  
 21 *3 percent” and inserting “shall use not less than 6*  
 22 *percent”; and*

23 (3) *by amending subsection (g) to read as fol-*  
 24 *lows:*

25 “(g) *COLLABORATION SET-ASIDE.*—*The Attorney Gen-*  
 26 *eral shall use not less than 8 percent of funds appropriated*

1 *to provide technical assistance to State and local govern-*  
 2 *ments receiving grants under this part to foster collabora-*  
 3 *tion between such governments in furtherance of the pur-*  
 4 *poses set forth in section 3 of the Mentally Ill Offender*  
 5 *Treatment and Crime Reduction Act of 2004 (34 U.S.C.*  
 6 *10651 note).”.*

7 **SEC. 613. JUVENILE SOLITARY CONFINEMENT.**

8 (a) *IN GENERAL.*—Chapter 403 of title 18, United  
 9 States Code, is amended by adding at the end the following:

10 **“§ 5043. Juvenile solitary confinement**

11 “(a) *DEFINITIONS.*—In this section—

12 “(1) the term ‘covered juvenile’ means—

13 “(A) a juvenile who—

14 “(i) is being proceeded against under  
 15 this chapter for an alleged act of juvenile  
 16 delinquency; or

17 “(ii) has been adjudicated delinquent  
 18 under this chapter; or

19 “(B) a juvenile who is being proceeded  
 20 against as an adult in a district court of the  
 21 United States for an alleged criminal offense;

22 “(2) the term ‘juvenile facility’ means any facil-  
 23 ity where covered juveniles are—

24 “(A) committed pursuant to an adjudica-  
 25 tion of delinquency under this chapter; or

1           “(B) detained prior to disposition or con-  
2           viction; and

3           “(3) the term ‘room confinement’ means the in-  
4           voluntary placement of a covered juvenile alone in a  
5           cell, room, or other area for any reason.

6           “(b) *PROHIBITION ON ROOM CONFINEMENT IN JUVE-*  
7           *NILE FACILITIES.—*

8           “(1) *IN GENERAL.—*The use of room confinement  
9           at a juvenile facility for discipline, punishment, retal-  
10          iation, or any reason other than as a temporary re-  
11          sponse to a covered juvenile’s behavior that poses a se-  
12          rious and immediate risk of physical harm to any in-  
13          dividual, including the covered juvenile, is prohibited.

14          “(2) *JUVENILES POSING RISK OF HARM.—*

15                 “(A) *REQUIREMENT TO USE LEAST RE-*  
16                 *STRICTIVE TECHNIQUES.—*

17                         “(i) *IN GENERAL.—*Before a staff mem-  
18                         ber of a juvenile facility places a covered ju-  
19                         venile in room confinement, the staff mem-  
20                         ber shall attempt to use less restrictive tech-  
21                         niques, including—

22                                 “(I) talking with the covered juve-  
23                                 nile in an attempt to de-escalate the  
24                                 situation; and

1                   “(II) permitting a qualified men-  
2                   tal health professional to talk to the  
3                   covered juvenile.

4                   “(ii) *EXPLANATION.*—If, after attempt-  
5                   ing to use less restrictive techniques as re-  
6                   quired under clause (i), a staff member of  
7                   a juvenile facility decides to place a covered  
8                   juvenile in room confinement, the staff  
9                   member shall first—

10                   “(I) explain to the covered juve-  
11                   nile the reasons for the room confine-  
12                   ment; and

13                   “(II) inform the covered juvenile  
14                   that release from room confinement  
15                   will occur—

16                   “(aa) immediately when the  
17                   covered juvenile regains self-con-  
18                   trol, as described in subparagraph  
19                   (B)(i); or

20                   “(bb) not later than after the  
21                   expiration of the time period de-  
22                   scribed in subclause (I) or (II) of  
23                   subparagraph (B)(ii), as applica-  
24                   ble.

1           “(B) *MAXIMUM PERIOD OF CONFINEMENT.*—*If a covered juvenile is placed in room*  
2           *confinement because the covered juvenile poses a*  
3           *serious and immediate risk of physical harm to*  
4           *himself or herself, or to others, the covered juvenile shall be released—*

7                     “(i) *immediately when the covered juvenile has sufficiently gained control so as*  
8                     *to no longer engage in behavior that threatens serious and immediate risk of physical*  
9                     *harm to himself or herself, or to others; or*

12                    “(ii) *if a covered juvenile does not sufficiently gain control as described in clause*  
13                    *(i), not later than—*

15                    “(I) *3 hours after being placed in*  
16                    *room confinement, in the case of a covered juvenile who poses a serious and*  
17                    *immediate risk of physical harm to*  
18                    *others; or*

20                    “(II) *30 minutes after being*  
21                    *placed in room confinement, in the*  
22                    *case of a covered juvenile who poses a*  
23                    *serious and immediate risk of physical*  
24                    *harm only to himself or herself.*

1           “(C) *RISK OF HARM AFTER MAXIMUM PE-*  
2           *RIOD OF CONFINEMENT.*—*If, after the applicable*  
3           *maximum period of confinement under subclause*  
4           *(I) or (II) of subparagraph (B)(ii) has expired,*  
5           *a covered juvenile continues to pose a serious*  
6           *and immediate risk of physical harm described*  
7           *in that subclause—*

8                     “(i) *the covered juvenile shall be trans-*  
9                     *ferred to another juvenile facility or inter-*  
10                    *nal location where services can be provided*  
11                    *to the covered juvenile without relying on*  
12                    *room confinement; or*

13                    “(ii) *if a qualified mental health pro-*  
14                    *fessional believes the level of crisis service*  
15                    *needed is not currently available, a staff*  
16                    *member of the juvenile facility shall initiate*  
17                    *a referral to a location that can meet the*  
18                    *needs of the covered juvenile.*

19           “(D) *SPIRIT AND PURPOSE.*—*The use of*  
20           *consecutive periods of room confinement to evade*  
21           *the spirit and purpose of this subsection shall be*  
22           *prohibited.”.*

- 1       **(b) TECHNICAL AND CONFORMING AMENDMENT.**—*The*
- 2 *table of sections for chapter 403 of title 18, United States*
- 3 *Code, is amended by adding at the end the following:*  
    *“5043. Juvenile solitary confinement.”.*

Attest:

*Secretary.*

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 756**

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**SENATE AMENDMENT TO  
HOUSE AMENDMENT**



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

JAMES C. DUFF  
*Secretary*

November 30, 2018

Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I write on behalf of the Judicial Conference of the United States, the policy-making body for the federal Judiciary, regarding S. 3649, the “First Step Act,” which was introduced on November 15, 2018. The Judiciary strongly supports many of the reforms proposed by S. 3649. We note that several provisions, however, will impose new workload requirements on the federal Judiciary, particularly on judges and our probation system, which will necessitate additional resources.

## **Title I: Recidivism Reduction**

We greatly appreciate that, unlike several of its legislative predecessors, S. 3649 would not require Article III judges to exercise powers that traditionally have been exercised by officials in the executive branch in deciding whether an inmate may be allowed to serve a portion of his or her prison sentence in the community.<sup>1</sup> Such decisions are in the nature of parole and therefore we agree that they are more appropriately made by the executive branch, which has direct contact with the inmates and the most accurate and up-to-date information about their conduct and condition.

We remain concerned, however, about the resources that the federal probation system would be required to expend to ensure the effective implementation of S. 3649. Specifically, one of this bill’s predecessors—H.R. 3356, the “Prison Reform and Redemption Act”—required the Director of the Bureau of Prisons (“BOP”) to “provide for the transfer of such funds as may be necessary” to the federal probation system to “supervise prisoners placed in home confinement or community supervision.”

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<sup>1</sup> See Judicial Conference of the United States, September 2014, JCUS-SEP 14, pp. 14-15.

Unfortunately, this language is omitted from S. 3649 in favor of a more general statement that agreements between BOP and the federal probation system should “take into account” the resource requirements of the federal probation system “to the greatest extent practicable” when moving prisoners to prerelease custody or supervised release.

Our position has been that reimbursement authority is preferable to transfer authority, and we are concerned that the explicit deletion of the transfer provision found in H.R. 3356 could be read as communicating a lack of support for the underlying concept that the probation and pretrial services system must be provided with the resources necessary to execute its new responsibilities.<sup>2</sup> Further, Sections 101 and 104 of S. 3649 indicate that recidivism reduction activities at the BOP (potentially including the costs of funding agreements with the probation system under Section 102) should be covered by the “savings” realized as a result of the implementation of this title.<sup>3</sup> This may be an insufficient or unreliable source of funding because much of the “savings” will be in the form of future cost avoidances rather than current excess appropriations that could be reinvested. Without the provision of such resources in future appropriations acts and via other funding mechanisms, the Judiciary will be unable to carry out the provisions of the bill as intended without diverting resources from other critical activities that are needed to ensure public safety and the efficient administration of justice.<sup>4</sup>

In addition to our concerns about resources that will be needed, we also ask that you consider amending S. 3649 to include the Judicial Conference’s legislative proposal to allow federal probation officers to conduct their official duties more safely—which include conducting searches and seizing contraband—by authorizing probation officers to arrest anyone who assaults, impedes, or interferes with them while carrying out official duties.<sup>5</sup> This legislation already has passed the House of Representatives this Congress, and has been referred to the Senate Judiciary Committee.<sup>6</sup>

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<sup>2</sup> The creation of reimbursement authority, rather than the transfer authority proposed by H.R. 3356, would ensure that those resources reach the program without requiring subsequent acts of Congress.

<sup>3</sup> Given the key role that federal probation officers will play in implementing this bill, it should specifically cite the cost to federal probation of administering the prerelease custody program, and to the federal Judiciary in general, as worthwhile “reinvestments,” along with the other examples provided in Sections 101 and 104 of the bill. Overall, the term “net savings” may be more accurate than simply “savings.”

<sup>4</sup> Section 102(b) of the bill envisions consultation between the Attorney General and the “Assistant Director for the Office of Probation and Pretrial Services” and refers to “United States Probation and Pretrial Services.” Section 101(a) directs the Attorney General to consult with “the Director of the Office of Probation and Pretrial Services.” Neither position nor any agency exist by these names, in statute or regulation. Since October 1, 2013, the title of the head of the AO’s Probation & Pretrial Services Office has been Chief. If S. 3649 instead consistently referred to the AO Director, then the Director could delegate responsibility to the appropriate office or official.

<sup>5</sup> JCUS-MAR 08, pp.14-15.

<sup>6</sup> See H.R. 1039, S. 367, “Probation Officer Protection Act of 2017” (115th Cong.).

#### **Title IV: Sentencing Reform**

For over sixty years, the Judicial Conference has consistently and vigorously opposed mandatory minimum sentencing provisions and has supported measures for their repeal or to ameliorate their effects.<sup>7</sup> Mandatory minimums do not enhance the administration of justice, but have proven to undermine it by wasting valuable taxpayer dollars, creating tremendous injustice in sentencing, undermining guideline sentencing, and ultimately fostering a lack of confidence in the criminal justice system.

S. 3649 would reduce mandatory minimum sentences for certain offenses, which the Judicial Conference supports.<sup>8</sup> Moreover, Section 402 would expand the existing safety valve, which is consistent with the Conference's support for "legislation . . . that is designed to restore judges' sentencing discretion and avoid the costs associated with mandatory minimum sentences."<sup>9</sup> The Conference continues to pursue its overriding goal of persuading Congress to reduce or repeal mandatory minimum sentences.

The Judicial Conference supports the amendment to 18 U.S.C. § 924(c)(1)(C), contained in Section 403 of S. 3649, that would clarify that the additional consecutive penalties apply only to true repeat offenders, i.e., those with one or more convictions that have become final prior to the commission of such offense.<sup>10</sup> Section 924(c)(1)(C) compounds the problems created by mandatory minimums, however, by treating multiple Section 924(c) counts in one indictment as triggers of the statute's second-or-subsequent-conviction mandatory minimums.

Section 404 of S. 3649 would retroactively apply the "Fair Sentencing Act of 2010," which reduced the disparity between sentences for crack and powder cocaine offenses, to inmates who had been sentenced prior to its August 3, 2010, enactment date. This proposal is consistent with the Judicial Conference's strategy to restore fairness to the sentences for defendants convicted of crack cocaine offenses. Noting concern that the disparity between the sentences for powder and crack cocaine offenses could have a corrosive effect on public confidence in the courts, the Conference agreed to oppose that disparity and supported its reduction.<sup>11</sup>

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<sup>7</sup> See, e.g., JCUS-SEP 53, p. 29; JCUS-SEP 13, p. 17.

<sup>8</sup> We note, however, that while Section 401 lowers the existing mandatory minimums, it also expands who is subject to the penalty. Specifically, Section 401 would make a prior conviction for a "serious violent felony" a qualifying offense for the enhanced penalty. In this respect, by expanding the reach of a statutory minimum, Section 401 is inconsistent with Judicial Conference policy.

<sup>9</sup> JCUS-SEP 13, p. 17.

<sup>10</sup> JCUS-MAR 09, pp. 16-17.

<sup>11</sup> JCUS-SEP 06, p. 18.

**Title V: Miscellaneous Criminal Justice**

We appreciate that Section 509 of S. 3649 would help to ensure the supervision of released sexually dangerous persons. In the interest of ensuring public safety, the Judicial Conference supports giving probation officers clear statutory authority to supervise these offenders, and we are pleased to see it included in this legislation.<sup>12</sup>

We are concerned with the potential impact of Section 503(b), which would amend 18 U.S.C. § 3582(c)(1)(A) to allow a defendant to bring a motion on his or her own behalf for modification of an imposed term of imprisonment, commonly known as compassionate release. This amendment could result in premature motions to federal courts, before administrative appeals have been fully exhausted, thereby forcing federal judges to decide these motions on an incomplete or undeveloped record.<sup>13</sup> Depending on how BOP implements this provision, additional judicial resources could be required to handle petitions for compassionate release filed by prisoners when a warden fails to act on a prisoner's request for such relief. It is also unclear whether the defendant would be entitled to counsel for this process, including court-appointed counsel. We may be in touch with further observations or concerns after the Judicial Conference has studied this issue in detail.

Relatedly, the Judicial Conference supports expanding judges' authority to terminate supervised release for compassionately released inmates.<sup>14</sup> Ongoing supervision of certain offenders, such as those in hospice care, may be wasteful of public resources.

**Relevant Positions of the Judicial Conference**

The Judicial Conference believes that the Sentencing Commission would benefit by having a federal defender representative as a non-voting member.<sup>15</sup> Prosecutors currently are ably represented in the Commission's proceedings by the ex officio non-voting member assigned to the Attorney General or his designee.

Notably, although S. 3649 would implement sweeping sentencing and prison reforms, it does not address the pretrial system. Section 4285 of title 18, U.S. Code,

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<sup>12</sup> JCUS-SEP 11, p. 22.

<sup>13</sup> In other contexts, the Judicial Conference has taken positions in support of full exhaustion of administrative remedies. See, e.g., JCUS-SEP 94, p. 70 (endorsing exhaustion of remedies for benefit denial claims in health care legislation); JCUS-SEP 95, p. 42 (encouraging Congress and agencies to "broaden and strengthen the administrative hearing and review process for disputes assigned to agency jurisdiction, and to facilitate mediation and resolution of disputes at the agency level").

<sup>14</sup> JCUS-SEP 13, p. 18.

<sup>15</sup> JCUS-MAR 04, p. 11.

currently authorizes courts to order the United States Marshals Service (“USMS”) to provide a released defendant with non-custodial transportation and subsistence to the court where that individual’s appearance is required, when the interests of justice would be served and the client is financially unable to pay transportation costs. The Judicial Conference supports giving courts the discretion, in the interests of justice, to order the USMS to furnish, when financially necessary, transportation and subsistence (lodging and food) for defendants returning home from court proceedings, and subsistence while attending such proceedings, including for successive court appearances.<sup>16</sup> This provision would not be applicable for a defendant found by the court to be financially able to cover these costs. Draft statutory language for each of the aforementioned proposed reforms was submitted to your office earlier this Congress and is attached.<sup>17</sup>

Section 3142(e) of title 18, U.S. Code, creates a presumption that certain defendants should be detained pending trial because a court cannot craft conditions of supervision that would reasonably assure both the safety of the community and the defendant’s appearance at court proceedings. The statute identifies several categories of defendants to whom this presumption applies, including those charged with specific drug trafficking offenses, and places the burden on a defendant to rebut the presumption for detention. In keeping with its support of evidence-based supervision practices, the Administrative Office of the U.S. Courts conducted a study analyzing data collected from a ten-year period. The study reveals that a sizeable segment of low-risk defendants fall into the category of drug traffickers subject to the presumption of detention. The study concluded that these defendants are detained at a high rate, even when their criminal histories and other applicable risk factors indicate that they pose a low risk of either reoffending or absconding while on pretrial release, and arguably should be released for pretrial supervision.

Legal, policy, and budgetary factors—including the presumption of innocence and the relative costs of incarceration versus pretrial supervision—support reducing unnecessary pretrial detention. Therefore, at its September 2017 meeting, upon recommendation of the Criminal Law Committee, the Judicial Conference endorsed limiting the application of the presumption of detention to defendants whose criminal history suggests that they pose a higher risk of failing to appear or being a danger to the community if released pending trial.<sup>18</sup> This would enable judges to make pretrial release decisions for low-risk defendants on a case-by-case basis. *No defendant would be automatically released into the community if this proposal were enacted.* We would be glad to provide draft statutory language, as well as an academic article analyzing the aforementioned study, for your consideration.

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<sup>16</sup> JCUS-MAR 93, p.28; JCUS-MAR 13, p. 14.

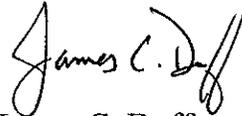
<sup>17</sup> See Sections 2, 5, 7 and 11 of the enclosed draft legislation.

<sup>18</sup>JCUS-SEP 17, pp. 10-11.

**Conclusion**

Thank you for considering the federal Judiciary's views on this important legislation. If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through the Office of Legislative Affairs, Administrative Office of the U. S. Courts, at 202-502-1700.

Sincerely,

A handwritten signature in black ink that reads "James C. Duff". The signature is written in a cursive style with a large, looped initial "J".

James C. Duff  
Secretary

Enclosure

cc: Honorable Orrin G. Hatch  
Honorable Lindsey Graham  
Honorable John Cornyn  
Honorable Michael S. Lee  
Honorable Ted Cruz  
Honorable Ben Sasse  
Honorable Jeff Flake  
Honorable Mike Crapo  
Honorable Thom Tillis  
Honorable John Kennedy

Identical letter sent to: Honorable Dianne Feinstein