

# Union Calendar No. 541

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5682

[Report No. 115–699]

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2018

Mr. COLLINS of Georgia (for himself, Mr. JEFFRIES, Mr. GOODLATTE, and Ms. BASS) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 22, 2018

Additional sponsors: Mr. ELLISON, Ms. GABBARD, Mrs. McMORRIS RODGERS, Mr. MARINO, Mr. MEEKS, Mr. RYAN of Ohio, Mrs. HANDEL, Mr. SENBRENNER, Mr. SMUCKER, Mr. ROTHFUS, Mr. BLUM, Mr. SUOZZI, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CURBELO of Florida, and Mr. WALKER

MAY 22, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 7, 2018]

# **A BILL**

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

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

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

4        (a) *SHORT TITLE.*—*This Act may be cited as the “For-*  
 5 *merly Incarcerated Reenter Society Transformed Safely*  
 6 *Transitioning Every Person Act” or the “FIRST STEP*  
 7 *Act”.*

8        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 9 *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.*

*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—MISCELLANEOUS CRIMINAL JUSTICE*

*Sec. 401. Placement of prisoners close to families.*

*Sec. 402. Home confinement for low risk prisoners.*

*Sec. 403. Federal prisoner reentry initiative reauthorization; modification of im-  
 posed term of imprisonment.*

*Sec. 404. Identification for returning citizens.*

*Sec. 405. Miscellaneous.*

*Sec. 406. Expanding inmate employment through Federal prison industries.*

*Sec. 407. De-escalation training.*

*Sec. 408. Evidence-based treatment for opioid and heroin abuse.*

*Sec. 409. Pilot programs.*

*Sec. 410. Ensuring supervision of released sexually dangerous persons.*

*Sec. 411. Data collection.*

*Sec. 412. Healthcare products.*

*Sec. 413. Prison rape elimination standards auditors.*

*Sec. 414. Adult and juvenile collaboration programs.*

**TITLE I—RECIDIVISM**  
**REDUCTION**

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

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

*“SUBCHAPTER D—RISK AND NEEDS*  
*ASSESSMENT SYSTEM*

*“Sec.*

*“3631. Duties of the Attorney General.*

*“3632. Development of risk and needs assessment system.*

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

*“3634. Report.*

*“3635. Definitions.*

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

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

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

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

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

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

*“(5) the Director of the National Institute of Corrections.*

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

1           “(1) conduct a review of the existing prisoner  
2 risk and needs assessment systems in operation on the  
3 date of the enactment of the *FIRST STEP Act*;

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

7           “(3) conduct ongoing research and data analysis  
8 on—

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

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

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

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

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

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

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

10                   “(C) an evaluation to ensure that the risk  
11                   and needs assessment system bases the assessment  
12                   of each prisoner’s risk of recidivism on indica-  
13                   tors of progress, and of regression that are dy-  
14                   namic and that can reasonably be expected to  
15                   change while in prison;

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

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

23           “(5) make any revisions or updates to the risk  
24           and needs assessment system that the Attorney Gen-  
25           eral determines appropriate pursuant to the review

1       under paragraph (4), including updates to ensure  
2       that any disparities identified in paragraph (4)(E)  
3       are reduce to the greatest extent possible; and

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

6       **“§3632. Development of risk and needs assessment**  
7               **system**

8               “(a) *IN GENERAL.*—Not later than 180 days after the  
9       date of the enactment of the *FIRST STEP Act*, the Attorney  
10      General shall develop and release a risk and needs assess-  
11     ment system (referred to in this subchapter as the ‘System’),  
12     which shall be used to—

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

17              “(2) assess and determine, to the extent prac-  
18      ticable, the risk of violent or serious misconduct of  
19      each prisoner;

20              “(3) determine the type, amount, and intensity  
21      of evidence-based recidivism reduction programs that  
22      are appropriate for each prisoner and assign each  
23      prisoner to such programs accordingly, and based on  
24      the prisoner’s specific criminogenic needs, and in ac-  
25      cordance with subsection (b);

1           “(4) reassess the recidivism risk of each prisoner  
2           periodically and reassign the prisoner to appropriate  
3           evidence-based recidivism reduction programs or pro-  
4           ductive activities based on the revised determination  
5           to ensure that—

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

9                   “(B) to address the specific criminogenic  
10                  needs of the prisoner; and

11                  “(C) all prisoners are able to successfully  
12                  participate in such programs;

13           “(5) determine when to provide incentives and  
14           rewards for successful participation in evidence-based  
15           recidivism reduction programs or productive activi-  
16           ties in accordance with subsection (e); and

17           “(6) determine when a prisoner is ready to  
18           transfer into prerelease custody in accordance with  
19           section 3624(c).

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

22           “(b) *ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM*  
23   *REDUCTION PROGRAMS.—The System shall provide guid-*  
24   *ance on the type, amount, and intensity of evidence-based*



1 *recidivism reduction programming and productive activi-*  
 2 *ties that shall be assigned for each prisoner, including—*

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

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

10       “(c) *HOUSING AND ASSIGNMENT DECISIONS.—The*  
 11 *System shall provide guidance on program grouping and*  
 12 *housing assignment determinations and, after accounting*  
 13 *for the safety of each prisoner and other individuals at the*  
 14 *prison, provide that prisoners with a similar risk level be*  
 15 *grouped together in housing and assignment decisions to the*  
 16 *extent practicable.*

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

22           “(1) *PHONE AND VISITATION PRIVILEGES.—A*  
 23 *prisoner who is successfully participating in an evi-*  
 24 *dence-based recidivism reduction program shall re-*  
 25 *ceive—*

1           “(A) phone privileges, or, if available, video  
2           conferencing privileges, for up to 30 minutes per  
3           day, and up to 510 minutes per month; and

4           “(B) additional time for visitation at the  
5           prison, as determined by the warden of the pris-  
6           on.

7           “(2) *TRANSFER TO INSTITUTION CLOSER TO RE-*  
8           *LEASE RESIDENCE.*—A prisoner who is successfully  
9           participating in an evidence-based recidivism reduc-  
10          tion program shall be considered by the Bureau of  
11          Prisons for placement in a facility closer to the pris-  
12          oner’s release residence upon request from the prisoner  
13          and subject to—

14                 “(A) bed availability at the transfer facil-  
15                 ity;

16                 “(B) the prisoner’s security designation;  
17                 and

18                 “(C) the recommendation from the warden  
19                 of the prison at which the prisoner is incarcer-  
20                 ated at the time of making the request.

21           “(3) *ADDITIONAL POLICIES.*—The Director of the  
22          Bureau of Prisons shall develop additional policies to  
23          provide appropriate incentives for successful partici-  
24          pation and completion of evidence-based recidivism

1 *reduction programming. Such incentives shall include*  
2 *not less than two of the following:*

3 *“(A) Increased commissary spending limits*  
4 *and product offerings.*

5 *“(B) Extended opportunities to access the*  
6 *email system.*

7 *“(C) Consideration of transfer to preferred*  
8 *housing units (including transfer to different*  
9 *prison facilities).*

10 *“(D) Other incentives solicited from pris-*  
11 *oners and determined appropriate by the Direc-*  
12 *tor.*

13 *“(4) TIME CREDITS.—*

14 *“(A) IN GENERAL.—A prisoner, except for*  
15 *an ineligible prisoner under subparagraph (D),*  
16 *who successfully completes evidence-based recidi-*  
17 *vism reduction programming or productive ac-*  
18 *tivities, shall earn time credits as follows:*

19 *“(i) A prisoner shall earn 10 days of*  
20 *time credits for every 30 days of successful*  
21 *participation in evidence-based recidivism*  
22 *reduction programming or productive ac-*  
23 *tivities.*

24 *“(ii) A prisoner determined by the Bu-*  
25 *reau of Prisons to be at a minimum or low*

1           *risk for recidivating, who, over two consec-*  
2           *utive assessments, has not increased their*  
3           *risk of recidivism, shall earn an additional*  
4           *5 days of time credits for every 30 days of*  
5           *successful participation in evidence-based*  
6           *recidivism reduction programming or pro-*  
7           *ductive activities.*

8           “(B) *AVAILABILITY.*—*A prisoner may not*  
9           *earn time credits under this paragraph for an*  
10           *evidence-based recidivism reduction program*  
11           *that the prisoner successfully completed—*

12                   “(i) *prior to the date of the enactment*  
13                   *of this Act;*

14                   “(ii) *during official detention prior to*  
15                   *the date that the prisoner’s sentence com-*  
16                   *mences under section 3585(a); or*

17                   “(iii) *if that prisoner is an inadmis-*  
18                   *sible or deportable alien under the immigra-*  
19                   *tion laws (as such term is defined in section*  
20                   *101 of the Immigration and Nationality*  
21                   *Act (8 U.S.C. 1101)).*

22           “(C) *APPLICATION OF TIME CREDITS TO-*  
23           *WARD PRE-RELEASE CUSTODY.*—*Time credits*  
24           *earned under this paragraph by prisoners who*  
25           *successfully participate in recidivism reduction*

1            *programs or productive activities and who have*  
2            *been determined to be at minimum risk or low*  
3            *risk for recidivating pursuant to their last two*  
4            *reassessments shall be applied toward time in*  
5            *pre-release custody. The Director of the Bureau*  
6            *of Prisons shall transfer prisoners described in*  
7            *this subparagraph into prerelease custody, except*  
8            *that the Director of the Bureau of Prisons may*  
9            *deny such a transfer if the warden of the prison*  
10           *finds by clear and convincing evidence that the*  
11           *prisoner should not be transferred into prerelease*  
12           *custody based only on evidence of the prisoner's*  
13           *actions after the conviction of such prisoner and*  
14           *not based on evidence from the underlying con-*  
15           *viction, and submits a detailed written statement*  
16           *regarding such finding to the Director of the Bu-*  
17           *reau of Prisons.*

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

23                    *“(i) Section 113(a)(1), relating to as-*  
24                    *sault with intent to commit murder.*

1           “(ii) Section 115, relating to influ-  
2           encing, impeding, or retaliating against a  
3           Federal official by injuring a family mem-  
4           ber, except for a threat made in violation of  
5           that section.

6           “(iii) Any section of chapter 10, relat-  
7           ing to biological weapons.

8           “(iv) Any section of chapter 11B, relat-  
9           ing to chemical weapons.

10          “(v) Section 351, relating to Congres-  
11          sional, Cabinet, and Supreme Court assas-  
12          sination, kidnapping, and assault.

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

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

19          “(viii) Any section of chapter 39, relat-  
20          ing to explosives and other dangerous arti-  
21          cles, except for section 836 (relating to the  
22          transportation of fireworks into a State  
23          prohibiting sale or use).

24          “(ix) Section 842(p), relating to dis-  
25          tribution of information relating to explo-

1           *sive, destructive devices, and weapons of*  
2           *mass destruction, but only if the conviction*  
3           *involved a weapon of mass destruction (as*  
4           *defined in section 2332a(c)(2) of such title).*

5           “(x) *Subsection (f)(3), (h), or (i) of sec-*  
6           *tion 844, relating to the use of fire or an ex-*  
7           *plosive.*

8           “(xi) *Section 924(e), relating to unlaw-*  
9           *ful possession of a firearm by a person with*  
10           *3 or more convictions for a violent felony.*

11           “(xii) *Section 1030(a)(1), relating to*  
12           *fraud and related activity in connection*  
13           *with computers.*

14           “(xiii) *Any section of chapter 51, relat-*  
15           *ing to homicide, except for section 1112 (re-*  
16           *lating to manslaughter), 1113 (relating to*  
17           *attempt to commit murder or manslaughter,*  
18           *but only if the conviction was for an at-*  
19           *tempt to commit manslaughter), 1115 (re-*  
20           *lating to misconduct or neglect of ship offi-*  
21           *cers), or 1122 (relating to protection*  
22           *against the human immunodeficiency*  
23           *virus).*

24           “(xiv) *Any section of chapter 55, relat-*  
25           *ing to kidnapping.*

1           “(xv) Any offense under chapter 77, re-  
2           lating to peonage, slavery, and trafficking  
3           in persons, except for sections 1592 through  
4           1596.

5           “(xvi) Section 1751, relating to Presi-  
6           dential and Presidential staff assassination,  
7           kidnapping, and assault.

8           “(xvii) Section 1841(a)(2)(C), relating  
9           to intentionally killing or attempting to kill  
10          an unborn child.

11          “(xviii) Section 1992, relating to ter-  
12          rorist attacks and other violence against  
13          railroad carriers and against mass trans-  
14          portation systems on land, on water, or  
15          through the air.

16          “(xix) Section 2113(e), relating to  
17          bank robbery resulting in death.

18          “(xx) Section 2118(c)(2), relating to  
19          robberies and burglaries involving controlled  
20          substances resulting in death.

21          “(xxi) Section 2119(3), relating to tak-  
22          ing a motor vehicle (commonly referred to  
23          as ‘carjacking’) that results in death.

24          “(xxii) Any section of chapter 105, re-  
25          lating to sabotage, except for section 2152.



1           “(xxiii) Any section of chapter 109A,  
2 relating to sexual abuse, except that with re-  
3 gard to section 2244, only a conviction  
4 under subsection (c) of that section (relating  
5 to abusive sexual contact involving young  
6 children) shall make a prisoner ineligible  
7 under this subparagraph.

8           “(xxiv) Section 2251, relating to the  
9 sexual exploitation of children.

10          “(xxv) Section 2251A, relating to the  
11 selling or buying of children.

12          “(xxvi) Any of paragraphs (1) through  
13 (3) of section 2252(a), relating to certain  
14 activities relating to material involving the  
15 sexual exploitation of minors.

16          “(xxvii) A second or subsequent convic-  
17 tion under any of paragraphs (1) through  
18 (6) of section 2252A(a), relating to certain  
19 activities relating to material constituting  
20 or containing child pornography.

21          “(xxviii) Section 2260, relating to the  
22 production of sexually explicit depictions of  
23 a minor for importation into the United  
24 States.

1           “(xxix) Section 2283, relating to the  
2           transportation of explosive, biological, chem-  
3           ical, or radioactive or nuclear materials.

4           “(xxx) Section 2284, relating to the  
5           transportation of terrorists.

6           “(xxxi) Section 2291, relating to the  
7           destruction of a vessel or maritime facility,  
8           but only if the conduct which led to the con-  
9           viction involved a substantial risk of death  
10          or serious bodily injury.

11          “(xxxii) Any section of chapter 113B,  
12          relating to terrorism.

13          “(xxxiii) Section 2340A, relating to  
14          torture.

15          “(xxxiv) Section 2381, relating to trea-  
16          son.

17          “(xxxv) Section 2442, relating to the  
18          recruitment or use of child soldiers.

19          “(xxxvi) Section 57(b) of the Atomic  
20          Energy Act of 1954 (42 U.S.C. 2077(b)), re-  
21          lating to the engagement or participation in  
22          the development or production of special nu-  
23          clear material.

1           “(xxxvii) Section 92 of the Atomic En-  
2           ergy Act of 1954 (42 U.S.C. 2122), relating  
3           to prohibitions governing atomic weapons.

4           “(xxxviii) Section 101 of the Atomic  
5           Energy Act of 1954 (42 U.S.C. 2131), relat-  
6           ing to the atomic energy license require-  
7           ment.

8           “(xxxix) Section 224 or 225 of the  
9           Atomic Energy Act of 1954 (42 U.S.C.  
10          2274, 2275), relating to the communication  
11          or receipt of restricted data.

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

15          “(xli) Section 60123(b) of title 49,  
16          United States Code, relating to damaging  
17          or destroying a pipeline facility, but only if  
18          the conduct which led to the conviction in-  
19          volved a substantial risk of death or serious  
20          bodily injury.

21          “(xlii) Section 401(a) of the Controlled  
22          Substances Act (21 U.S.C. 841), relating to  
23          manufacturing or distributing a controlled  
24          substance, but only in the case of a convic-  
25          tion for an offense described in subpara-

1 *graph (A), (B), or (C) of subsection (b)(1)*  
2 *of that section for which death or serious*  
3 *bodily injury resulted from the use of such*  
4 *substance.*

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

11 *“(xliv) Any section of the Export Ad-*  
12 *ministration Act of 1979 (50 U.S.C. App.*  
13 *2401 et seq.)*

14 *“(xlv) Section 206 of the International*  
15 *Emergency Economic Powers Act (50*  
16 *U.S.C. 1705).*

17 *“(xlvi) Section 601 of the National Se-*  
18 *curity Act of 1947 (50 U.S.C. 3121), relat-*  
19 *ing to the protection of identities of certain*  
20 *United States undercover intelligence offi-*  
21 *cers, agents, informants, and sources.*

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

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

18                   *“(xlviii) Section 2118(c)(2) of title 18,*  
19                   *United States Code, relating to robberies*  
20                   *and burglaries involving controlled sub-*  
21                   *stances resulting in death.*

22                   *“(5) RISK REASSESSMENTS AND LEVEL ADJUST-*  
23                   *MENT.—A prisoner who successfully participates in*  
24                   *evidence-based recidivism reduction programming or*  
25                   *productive activities shall receive periodic risk reas-*

1        *sessments not less often than annually, and a prisoner*  
2        *determined to be at a medium or high risk of*  
3        *recidivating and who has less than 5 years until his*  
4        *or her projected release date shall receive more fre-*  
5        *quent risk reassessments. If the reassessment shows*  
6        *that the prisoner’s risk of recidivating or specific*  
7        *needs have changed, the Bureau of Prisons shall up-*  
8        *date the determination of the prisoner’s risk of*  
9        *recidivating or information regarding the prisoner’s*  
10       *specific needs and reassign the prisoner to appro-*  
11       *priate evidence-based recidivism reduction program-*  
12       *ming or productive activities based on such changes.*

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

17            *“(e) PENALTIES.—The Director of the Bureau of Pris-*  
18        *ons shall develop guidelines for the reduction of rewards and*  
19        *incentives earned under subsection (e) for prisoners who*  
20        *violate prison rules or evidence-based recidivism reduction*  
21        *program or productive activity rules, which shall provide—*

22            *“(1) general levels of violations and resulting re-*  
23        *ductions;*

24            *“(2) that any reduction that includes the loss of*  
25        *time credits shall require written notice to the pris-*

1        *oner, shall be limited to time credits that a prisoner*  
2        *earned as of the date of the prisoner’s rule violation,*  
3        *and shall not include any future time credits that the*  
4        *prisoner may earn; and*

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

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

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

17            *“(2) continuing education;*

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

19            *“(4) a requirement that such officers and em-*  
20        *ployees demonstrate competence in administering the*  
21        *System, including interrater reliability, on a bian-*  
22        *nual basis.*

23            *“(g) QUALITY ASSURANCE.—In order to ensure that*  
24        *the Bureau of Prisons is using the System in an appro-*  
25        *priate and consistent manner, the Attorney General shall*

1 *monitor and assess the use of the System, which shall in-*  
2 *clude conducting annual audits of the Bureau of Prisons*  
3 *regarding the use of the System.*

4 **“§ 3633. Evidence-based recidivism reduction program**  
5 **and recommendations**

6 *“Prior to releasing the System, the Attorney General*  
7 *shall—*

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

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

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

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

21 *“(5) direct the Bureau of Prisons regarding—*

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

24 *“(B) the ability for faith-based organiza-*  
25 *tions to function as a provider of educational*



1 *evidence-based programs outside of the religious*  
2 *classes and services provided through the Chap-*  
3 *laincy; and*

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

7 **“§ 3634. Report**

8 *“Beginning on the date that is two years after the date*  
9 *of the enactment of this subchapter, and annually thereafter*  
10 *for a period of 5 years, the Attorney General shall submit*  
11 *a report to the Committees on the Judiciary of the Senate*  
12 *and the House of Representatives and the Subcommittees*  
13 *on Commerce, Justice, Science, and Related Agencies of the*  
14 *Committees on Appropriations of the Senate and the House*  
15 *of Representatives that contains the following:*

16 *“(1) A summary of the activities and accom-*  
17 *plishments of the Attorney General in carrying out*  
18 *this Act.*

19 *“(2) A summary and assessment of the types and*  
20 *effectiveness of the evidence-based recidivism reduction*  
21 *programs and productive activities in prisons oper-*  
22 *ated by the Bureau of Prisons, including—*

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

1           “(B) the capacity of each program and ac-  
2           tivity at each prison, including the number of  
3           prisoners along with the recidivism risk of each  
4           prisoner enrolled in each program; and

5           “(C) identification of any gaps or shortages  
6           in capacity of such programs and activities.

7           “(3) Rates of recidivism among individuals who  
8           have been released from Federal prison, based on the  
9           following criteria:

10           “(A) The primary offense of conviction.

11           “(B) The length of the sentence imposed and  
12           served.

13           “(C) The Bureau of Prisons facility or fa-  
14           cilities in which the prisoner’s sentence was  
15           served.

16           “(D) The evidence-based recidivism reduc-  
17           tion programming that the prisoner successfully  
18           completed, if any.

19           “(E) The prisoner’s assessed and reassessed  
20           risk of recidivism.

21           “(F) The productive activities that the pris-  
22           oner successfully completed, if any.

23           “(4) The status of prison work programs at fa-  
24           cilities operated by the Bureau of Prisons, includ-  
25           ing—

1           “(A) a strategy to expand the availability of  
2 such programs without reducing job opportuni-  
3 ties for workers in the United States who are not  
4 in the custody of the Bureau of Prisons, includ-  
5 ing the feasibility of prisoners manufacturing  
6 products purchased by Federal agencies that are  
7 manufactured overseas;

8           “(B) an assessment of the feasibility of ex-  
9 panding such programs, consistent with the  
10 strategy required under subparagraph (A), with  
11 the goal that 5 years after the date of enactment  
12 of this Act, not less than 75 percent of eligible  
13 minimum and low risk offenders have the oppor-  
14 tunity to participate in a prison work program  
15 for not less than 20 hours per week; and

16           “(C) a detailed discussion of legal authori-  
17 ties that would be useful or necessary to achieve  
18 the goals described in subparagraphs (A) and  
19 (B).

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

22           “(6) An assessment of progress made toward car-  
23 rying out the purposes of this subchapter, including  
24 any savings associated with—

1           “(A) the transfer of prisoners into prerelease  
2 custody under section 3624(g) including savings  
3 resulting from the avoidance or deferral of future  
4 construction, acquisition, and operations costs;  
5 and

6           “(B) any decrease in recidivism that may  
7 be attributed to the System or the increase in  
8 evidence-based recidivism reduction programs re-  
9 quired under chapter.

10           “(7) Recommendations for how to reinvest any  
11 savings into other Federal, State, and local law en-  
12 forcement activities and evidence-based recidivism re-  
13 duction programs in the Bureau of Prisons.

14 **“§ 3635. Definitions**

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

16           “(1) *EVIDENCE-BASED RECIDIVISM REDUCTION*  
17 *PROGRAM.—The term ‘evidence-based recidivism re-*  
18 *duction program’ means either a group or individual*  
19 *activity that—*

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

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

1           “(C) may include—

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

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

8                   “(iii) classes on morals or ethics;

9                   “(iv) academic classes;

10                  “(v) cognitive behavioral treatment;

11                  “(vi) mentoring;

12                  “(vii) substance abuse treatment;

13                  “(viii) vocational training;

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

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

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

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

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

23                  “(2) PRISONER.—The term ‘prisoner’ means a  
24                  person who has been sentenced to a term of imprison-  
25                  ment pursuant to a conviction for a Federal criminal

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

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

7                       “(A) *the risk that a prisoner will recidivate*  
 8                       *upon release from prison; and*

9                       “(B) *the recidivism reduction programs*  
 10                      *that will best minimize the risk that the prisoner*  
 11                      *will recidivate upon release from prison.*

12               “(4) *PRODUCTIVE ACTIVITY.*—*The term ‘produc-*  
 13       *tive activity’ means either a group or individual ac-*  
 14       *tivity that is designed to allow prisoners determined*  
 15       *as having a low or no risk of recidivating to remain*  
 16       *productive and thereby maintain a minimum or low*  
 17       *risk of recidivating, and may include the delivery of*  
 18       *the programs described in paragraph (1) to other*  
 19       *prisoners.”.*

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

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

1 **SEC. 102. IMPLEMENTATION OF SYSTEM AND REC-**  
2 **COMMENDATIONS BY BUREAU OF PRISONS.**

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

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

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

14 “(A) *implement and complete the initial in-*  
15 *take risk and needs assessment for each prisoner*  
16 *(including for each prisoner who was a prisoner*  
17 *prior the effective date of this subsection), re-*  
18 *gardless of the prisoner’s length of imposed term*  
19 *of imprisonment, and begin to assign prisoners*  
20 *to appropriate evidence-based recidivism reduc-*  
21 *tion programs based on that determination;*

22 “(B) *begin to expand the effective evidence-*  
23 *based recidivism reduction programs and pro-*  
24 *ductive activities it offers and add any new evi-*  
25 *dence-based recidivism reduction programs and*

1           *productive activities necessary to effectively im-*  
2           *plement the System; and*

3           “(C) *begin to implement the other risk and*  
4           *needs assessment tools necessary to effectively im-*  
5           *plement the System over time, while prisoners*  
6           *are participating in and completing the effective*  
7           *evidence-based recidivism reduction programs*  
8           *and productive activities.*

9           “(2) *PHASE-IN.—In order to carry out para-*  
10          *graph (1), so that every prisoner has the opportunity*  
11          *to participate in and complete the type, amount, and*  
12          *intensity of evidence-based recidivism reduction pro-*  
13          *grams or productive activities they need, and be reass-*  
14          *essed for recidivism risk as necessary to effectively*  
15          *implement the System, the Bureau of Prisons shall—*

16                “(A) *provide such evidence-based recidivism*  
17                *reduction programs and productive activities for*  
18                *all prisoners before the date that is 2 years after*  
19                *the date on which the Bureau of Prisons com-*  
20                *pletes a risk and needs assessment for each pris-*  
21                *oner under paragraph (1)(A); and*

22                “(B) *develop and validate the risk and*  
23                *needs assessment tool to be used in the reassess-*  
24                *ments of risk of recidivism, while prisoners are*  
25                *participating in and completing evidence-based*



1           *recidivism reduction programs and productive*  
2           *activities.*

3           “(3) *PRIORITY DURING PHASE-IN.*—*During the*  
4           *2-year period described in paragraph (2)(A), the pri-*  
5           *ority for such programs and activities shall be ac-*  
6           *corded based on a prisoner’s proximity to release*  
7           *date.*

8           “(4) *PRELIMINARY EXPANSION OF EVIDENCE-*  
9           *BASED RECIDIVISM REDUCTION PROGRAMS AND AU-*  
10          *THORITY TO USE INCENTIVES.*—*Beginning on the*  
11          *date of the enactment of the FIRST STEP Act, the*  
12          *Bureau of Prisons may begin to expand any evidence-*  
13          *based recidivism reduction programs and productive*  
14          *activities that exist at a prison as of such date, and*  
15          *may offer to prisoners who successfully participate in*  
16          *such programs and activities the incentives and re-*  
17          *wards described in subchapter D.*

18          “(5) *RECIDIVISM REDUCTION PARTNERSHIPS.*—  
19          *In order to expand evidence-based recidivism reduc-*  
20          *tion programs and productive activities, the Attorney*  
21          *General shall develop policies for the warden of each*  
22          *prison of the Bureau of Prisons to enter into partner-*  
23          *ships, subject to the availability of appropriations,*  
24          *with any of the following:*

1           “(A) *Nonprofit and other private organiza-*  
2           *tions, including faith-based, art, and commu-*  
3           *nity-based organizations that will deliver recidi-*  
4           *vism reduction programming on a paid or vol-*  
5           *unteer basis.*

6           “(B) *Institutions of higher education (as de-*  
7           *finied in section 101 of the Higher Education Act*  
8           *of 1965 (20 U.S.C. 1001) that will deliver in-*  
9           *struction on a paid or volunteer basis.*

10          “(C) *Private entities that will—*

11           “(i) *deliver vocational training and*  
12           *certifications;*

13           “(ii) *provide equipment to facilitate*  
14           *vocational training or employment opportu-*  
15           *nities for prisoners;*

16           “(iii) *employ prisoners; or*

17           “(iv) *assist prisoners in prerelease cus-*  
18           *tody or supervised release in finding em-*  
19           *ployment.*

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

23          “(6) *REQUIREMENT TO PROVIDE PROGRAMS TO*  
24           *ALL PRISONERS; PRIORITY.—The Director of the Bu-*  
25           *reau of Prisons shall provide all prisoners with the*

1        *opportunity actively participate in evidence-based re-*  
2        *cidivism reduction programs or productive activities,*  
3        *according to their specific criminogenic needs,*  
4        *throughout their entire term of incarceration. Priority*  
5        *for participation in recidivism reduction programs*  
6        *shall be given to medium-risk and high-risk prisoners,*  
7        *with access to productive activities given to min-*  
8        *imum-risk and low-risk prisoners.*

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

11        *(b) PRERELEASE CUSTODY.—*

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

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

15                                *(i) by striking “, beyond the time*  
16                                *served, of up to 54 days at the end of each*  
17                                *year of the prisoner’s term of imprisonment,*  
18                                *beginning at the end of the first year of the*  
19                                *term,” and inserting “of up to 54 days for*  
20                                *each year of the prisoner’s sentence imposed*  
21                                *by the court,”;*

22                                *(ii) by striking “credit for the last year*  
23                                *or portion of a year of the term of impris-*  
24                                *onment shall be prorated and credited with-*  
25                                *in the last six weeks of the sentence” and*

1            *inserting “credit for the last year of a term*  
2            *of imprisonment shall be credited on the*  
3            *first day of the last year of the term of im-*  
4            *prisonment”;* and

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

6            *“(g) PRERELEASE CUSTODY FOR RISK AND NEEDS*  
7            *ASSESSMENT SYSTEM PARTICIPANTS.—*

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

11           *“(A) has earned time credits under the risk*  
12           *and needs assessment system developed under*  
13           *subchapter D (referred to in this subsection as*  
14           *the ‘System’) in an amount that is equal to the*  
15           *remainder of the prisoner’s imposed term of im-*  
16           *prisonment;*

17           *“(B) has shown through the periodic risk re-*  
18           *assessments a demonstrated recidivism risk re-*  
19           *duction or has maintained a minimum or low*  
20           *recidivism risk, during the prisoner’s term of im-*  
21           *prisonment;*

22           *“(C) has been classified by the warden of*  
23           *the prison as otherwise qualified to be trans-*  
24           *ferred into prerelease custody; and*

1           “(D)(i) has been determined under the Sys-  
2           tem to be a minimum or low risk to recidivate;  
3           or

4           “(ii) has had a petition to be transferred to  
5           prerelease custody approved by the warden of the  
6           prison, after the warden’s determination that—

7                   “(I) the prisoner would not be a dan-  
8                   ger to society if transferred to prerelease  
9                   custody;

10                   “(II) the prisoner has made a good  
11                   faith effort to lower their recidivism risk  
12                   through participation in recidivism reduc-  
13                   tion programs or productive activities;

14                   “(III) the prisoner is unlikely to  
15                   recidivate; and

16                   “(IV) the transfer of the prisoner to  
17                   prerelease custody is otherwise appropriate.

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

20                   “(A) HOME CONFINEMENT.—

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

1           “(I) be subject to 24-hour elec-  
2           tronic monitoring that enables the  
3           prompt identification of any violation  
4           of subclause (II);

5           “(II) remain in the prisoner’s res-  
6           idence, except that the prisoner may  
7           leave the prisoner’s home in order to,  
8           subject to the approval of the Director  
9           of the Bureau of Prisons—

10           “(aa) perform a job or job-re-  
11           lated activities, including an ap-  
12           prenticeship, or participate in  
13           job-seeking activities;

14           “(bb) participate in evidence-  
15           based recidivism reduction pro-  
16           gramming or productive activities  
17           assigned by the System, or similar  
18           activities;

19           “(cc) perform community  
20           service;

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

23           “(ee) receive medical treat-  
24           ment; or

1                   “(ff) attend religious activi-  
2                   ties; and

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

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

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

23                  “(iv) *DURATION.*—Except as provided  
24                  in paragraph (4), a prisoner who is placed  
25                  in home confinement shall remain in home

1           *confinement until the prisoner has served*  
2           *not less than 85 percent of the prisoner's*  
3           *imposed term of imprisonment.*

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

10          “(3) *DETERMINATION OF CONDITIONS.*—In deter-  
11          *mining appropriate conditions for prisoners placed in*  
12          *prerelease custody pursuant to this subsection, the Di-*  
13          *rector of the Bureau of Prisons shall, to the extent*  
14          *practicable, provide that increasingly less restrictive*  
15          *conditions shall be imposed on prisoners who dem-*  
16          *onstrate continued compliance with the conditions of*  
17          *such prerelease custody, so as to most effectively pre-*  
18          *pare such prisoners for reentry.*

19          “(4) *VIOLATIONS OF CONDITIONS.*—If a prisoner  
20          *violates a condition of the prisoner's prerelease cus-*  
21          *tody, the Director of the Bureau of Prisons may im-*  
22          *pose such additional conditions on the prisoner's*  
23          *prerelease custody as the Director of the Bureau of*  
24          *Prisons determines appropriate, or revoke the pris-*  
25          *oner's prerelease custody and require the prisoner to*



1       *serve the remainder of the term of imprisonment to*  
2       *which the prisoner was sentenced, or any portion*  
3       *thereof, in prison.*

4               “(5) *ISSUANCE OF GUIDELINES.—The Attorney*  
5       *General, in consultation with the Assistant Director*  
6       *for the Office of Probation and Pretrial Services, shall*  
7       *issue guidelines, for use by the Bureau of Prisons in*  
8       *determining—*

9               “(A) *the appropriate type of prerelease cus-*  
10       *tody and level of supervision for a prisoner*  
11       *placed on prerelease custody pursuant to this*  
12       *subsection; and*

13               “(B) *consequences for a violation of a con-*  
14       *dition of such prerelease custody by such a pris-*  
15       *oner, including a return to prison and a reas-*  
16       *essment of evidence-based recidivism risk level*  
17       *under the System.*

18               “(6) *AGREEMENTS WITH UNITED STATES PROBA-*  
19       *TION AND PRETRIAL SERVICES.—The Director of the*  
20       *Bureau of Prisons shall, to the greatest extent prac-*  
21       *ticable, enter into agreements with United States Pro-*  
22       *bation and Pretrial Services to supervise prisoners*  
23       *placed in home confinement or community super-*  
24       *vision under this subsection. Such agreements shall—*

1           “(A) authorize United States Probation and  
2           Pretrial Services to exercise the authority grant-  
3           ed to the Director pursuant to paragraphs (3)  
4           and (4); and

5           “(B) take into account the resource require-  
6           ments of United States Probation and Pretrial  
7           Services as a result of the transfer of Bureau of  
8           Prisons prisoners to prerelease custody.

9           “(7) ASSISTANCE.—United States Probation and  
10          Pretrial Services shall, to the greatest extent prac-  
11          ticable, offer assistance to any prisoner not under its  
12          supervision during prerelease custody under this sub-  
13          section.

14          “(8) MENTORING SERVICES.—Any prerelease  
15          custody into which a prisoner is placed under this  
16          subsection may not include a condition prohibiting  
17          the prisoner from receiving mentoring services from a  
18          person who provided such services to the prisoner  
19          while the prisoner was incarcerated, except that the  
20          warden of the facility at which the prisoner was in-  
21          carcerated may waive the requirement under this  
22          paragraph if the warden finds that the provision of  
23          such services would pose a significant security risk to  
24          the prisoner, persons who provide such services, or  
25          any other person. The warden shall provide written

1       *notice of any such waiver to the person providing*  
2       *mentoring services and to the prisoner.*

3               “(9) *TIME LIMITS INAPPLICABLE.*—*The time*  
4       *limits under subsections (b) and (c) shall not apply*  
5       *to prerelease custody under this subsection.*

6               “(h) *ALIEN PRISONERS SUBJECT TO DEPORTATION.*—  
7       *If a prisoner who is placed in prerelease custody is an alien*  
8       *whose deportation was ordered as a condition of such*  
9       *prerelease custody or who is subject to a detainer filed by*  
10       *United States Immigration and Customs Enforcement for*  
11       *the purposes of determining the alien’s deportability,*  
12       *United States Immigration and Customs Enforcement shall*  
13       *take custody of the alien upon the alien’s transfer to*  
14       *prerelease custody.”.*

15               “(2) *EFFECTIVE DATE.*—*The amendments made*  
16       *by this subsection shall take effect beginning on the*  
17       *date that the Attorney General completes and releases*  
18       *the risk and needs assessment system under sub-*  
19       *chapter D of chapter 229 of title 18, United States*  
20       *Code.*

21               “(3) *APPLICABILITY.*—*The amendments made by*  
22       *this subsection shall apply with respect to offenses*  
23       *committed before, on, or after the date of the enact-*  
24       *ment of this Act, except that such amendments shall*

1        *not apply with respect to offenses committed before*  
2        *November 1, 1987.*

3        **SEC. 103. GAO REPORT.**

4        *Not later than 2 years after the Director of the Bureau*  
5        *of Prisons implements the risk and needs assessment system*  
6        *under section 3621 of title 18, United States Code, and*  
7        *every 2 years thereafter, the Comptroller General of the*  
8        *United States shall conduct an audit of the use of the risk*  
9        *and needs assessment system at Bureau of Prisons facilities.*  
10       *The audit shall include analysis of the following:*

11                *(1) Whether inmates are being assessed under the*  
12                *risk and needs assessment system with the frequency*  
13                *required under such section 3621.*

14                *(2) Whether the Bureau of Prisons is able to offer*  
15                *recidivism reduction programs and productive activi-*  
16                *ties (as such terms are defined in section 3635 of title*  
17                *18, United States Code).*

18                *(3) Whether the Bureau of Prisons is offering the*  
19                *type, amount, and intensity of recidivism reduction*  
20                *programs and productive activities for prisoners to*  
21                *earn the maximum amount of time credits for which*  
22                *they are eligible.*

23                *(4) Whether the Attorney General is carrying out*  
24                *the duties under section 3631(b) of title 18, United*  
25                *States Code.*

1           (5) *Whether officers and employees of the Bureau*  
2 *of Prisons are receiving the training described in sec-*  
3 *tion 3236(f) of title 18, United States Code.*

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

7           (7) *Whether the Bureau of Prisons transfers pris-*  
8 *oners to prerelease custody as soon as they are eligible*  
9 *for such a transfer under section 3624(g) of title 18,*  
10 *United States Code.*

11           (8) *The rates of recidivism among similarly clas-*  
12 *sified prisoners to identify any unwarranted dispari-*  
13 *ties, including disparities among similarly classified*  
14 *prisoners of different demographic groups, in such*  
15 *rates.*

16 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

17           (a) *IN GENERAL.*—*There is authorized to be appro-*  
18 *priated to carry out this title \$50,000,000 for each of fiscal*  
19 *years 2019 through 2023. Of the amount appropriated*  
20 *under this subsection, 80 percent shall be reserved for use*  
21 *by the Director of the Bureau of Prisons to implement the*  
22 *system under section 102 and the amendments made by that*  
23 *section.*

1           (b) SAVINGS.—Any savings associated with reductions  
2 in recidivism that result from this title should be rein-  
3 vested—

4           (1) into evidence-based recidivism reduction pro-  
5 grams offered by the Bureau of Prisons; and

6           (2) into ensuring eligible prisoners have access to  
7 such programs and productive activities offered by the  
8 Bureau of Prisons.

9 **SEC. 105. RULE OF CONSTRUCTION.**

10          Nothing in this Act, or the amendments made by this  
11 Act, may be construed to provide authority to place a pris-  
12 oner in prerelease custody who is serving a term of impris-  
13 onment pursuant to a conviction for an offense under the  
14 laws of one of the 50 States, or of a territory or possession  
15 of the United States.

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

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

1     **TITLE II—BUREAU OF PRISONS**  
 2     **SECURE FIREARMS STORAGE**

3     **SEC. 201. SHORT TITLE.**

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

6     **SEC. 202. SECURE FIREARMS STORAGE.**

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

9     **“§ 4050. Secure firearms storage**

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

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

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

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

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

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

1           “(2) notwithstanding any other provision of law,  
2           allows employees to carry concealed firearms on the  
3           premises outside of the secure perimeter of the institu-  
4           tion.”.

5           (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
6           table of sections for chapter 303 of title 18, United States  
7           Code, as amended by this Act, is further amended by adding  
8           at the end the following:

          “4050. Secure firearms storage.”.

9           **TITLE III—RESTRAINTS ON**  
10           **PREGNANT PRISONERS PRO-**  
11           **HIBITED**

12           **SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE**  
13                           **PERIOD OF PREGNANCY AND POSTPARTUM**  
14                           **RECOVERY PROHIBITED.**

15           (a) *IN GENERAL.*—Chapter 317 of title 18, United  
16           States Code, is amended by inserting after section 4321 the  
17           following:

18           “**§4322. Use of restraints on prisoners during the pe-**  
19                           **riod of pregnancy, labor, and postpartum**  
20                           **recovery prohibited**

21           “(a) *PROHIBITION.*—Except as provided in subsection  
22           (b), beginning on the date on which pregnancy is confirmed  
23           by a healthcare professional, and ending at the conclusion  
24           of postpartum recovery, a prisoner in the custody of the  
25           Bureau of Prisons, or in the custody of the United States



1 *Marshals Service pursuant to section 4086, shall not be*  
2 *placed in restraints.*

3 “(b) *EXCEPTIONS.*—

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

6 “(A) *an appropriate corrections official, or*  
7 *a United States marshal, as applicable, makes a*  
8 *determination that the prisoner—*

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

12 “(ii) *poses an immediate and serious*  
13 *threat of harm to herself or others that can-*  
14 *not reasonably be prevented by other means;*  
15 *or*

16 “(B) *a health care professional responsible*  
17 *for the health and safety of the prisoner deter-*  
18 *mines that the use of restraints is appropriate*  
19 *for the medical safety of the prisoner.*

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

25 “(3) *APPLICATION.*—

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

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

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

7                   “(iii) *to restrain a prisoner using four-*  
8                   *point restraints; or*

9                   “(iv) *to attach a prisoner to another*  
10                  *prisoner.*

11           “(B) *MEDICAL REQUEST.*—*Notwithstanding*  
12           *paragraph (1), upon the request of a healthcare*  
13           *professional who is responsible for the health and*  
14           *safety of a prisoner, a corrections official or*  
15           *United States marshal, as applicable, shall re-*  
16           *frain from using restraints on the prisoner or re-*  
17           *move restraints used on the prisoner.*

18           “(c) *REPORTS.*—

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

1        *Marshals Service, as applicable, and to the healthcare*  
2        *professional responsible for the health and safety of*  
3        *the prisoner, a written report which describes the*  
4        *facts and circumstances surrounding the use of re-*  
5        *straints, and includes—*

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

8                *“(B) the details of the use of restraints, in-*  
9                *cluding the type of restraints used and length of*  
10               *time during which restraints were used; and*

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

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

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

22               *“(A) IN GENERAL.—Not later than 1 year*  
23               *after the date of enactment of this Act, and an-*  
24               *nually thereafter, the Director of the Bureau of*  
25               *Prisons and the Director of the United States*

1           *Marshals Service shall each submit to the Judici-*  
2           *ary Committee of the Senate and of the House*  
3           *of Representatives a report that certifies compli-*  
4           *ance with this section and includes the informa-*  
5           *tion required to be reported under paragraph*  
6           *(1).*

7           “(B) *PERSONALLY IDENTIFIABLE INFORMA-*  
8           *TION.—The report under this paragraph shall*  
9           *not contain any personally identifiable informa-*  
10          *tion of any prisoner.*

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

17          “(e) *VIOLATION REPORTING PROCESS.—The Director*  
18          *of the Bureau of Prisons, in consultation with the Director*  
19          *of the United States Marshals Service, shall establish a*  
20          *process through which a prisoner may report a violation*  
21          *of this section.*

22          “(f) *TRAINING.—*

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

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

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

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

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

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

17              “(E) *the right of a health care professional*  
18              *to request that restraints not be used, and the re-*  
19              *quirement under subsection (b)(3)(B) to comply*  
20              *with such a request.*

21              “(2) *DEVELOPMENT OF GUIDELINES.—In devel-*  
22              *oping the guidelines required by paragraph (1), the*  
23              *Directors shall each consult with health care profes-*  
24              *sionals with expertise in caring for women during the*  
25              *period of pregnancy and postpartum recovery.*

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

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

8               “(2) *The term ‘restraints’ means any physical or*  
 9 *mechanical device used to control the movement of a*  
 10 *prisoner’s body, limbs, or both.*

11              “(3) *The term ‘prisoner’ means a person who has*  
 12 *been sentenced to a term of imprisonment pursuant to*  
 13 *a conviction for a Federal criminal offense, or a per-*  
 14 *son in the custody of the Bureau of Prisons, including*  
 15 *a person in a Bureau of Prisons contracted facility.”.*

16       “(b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 17 *the beginning of chapter 317 of title 18, United States Code,*  
 18 *is amended by adding after the item relating to section 4321*  
 19 *the following:*

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

20                   **TITLE IV—MISCELLANEOUS**  
 21                   **CRIMINAL JUSTICE**

22       **SEC. 401. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.**

23              *Subsection (b) of section 3621 of title 18, United States*  
 24 *Code, is amended by striking “shall designate the place of*

1 *the prisoner’s imprisonment.” and inserting “shall des-*  
2 *ignate the place of the prisoner’s imprisonment, and shall,*  
3 *subject to bed availability, the prisoner’s security designa-*  
4 *tion, the prisoner’s programmatic needs, and the prisoner’s*  
5 *mental and medical health needs, place the prisoner in a*  
6 *facility as close as practicable to the prisoner’s primary res-*  
7 *idence, but, in any case, not more than 500 driving miles*  
8 *from the prisoner’s primary residence. Subject to bed avail-*  
9 *ability and the prisoner’s security designation, the Bureau*  
10 *shall transfer prisoners to facilities that are closer to the*  
11 *prisoner’s primary residence even if the prisoner is already*  
12 *in a facility within 500 driving miles of that residence, un-*  
13 *less the prisoner chooses to remain at his or her current*  
14 *facility.”.*

15 **SEC. 402. HOME CONFINEMENT FOR LOW RISK PRISONERS.**

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

1 **SEC. 403. FEDERAL PRISONER REENTRY INITIATIVE REAU-**  
2 **THORIZATION; MODIFICATION OF IMPOSED**  
3 **TERM OF IMPRISONMENT.**

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

7 (1) *in paragraph (1)—*

8 (A) *by inserting “and eligible terminally ill*  
9 *offenders” after “elderly offenders” each place the*  
10 *term appears; and*

11 (B) *in subparagraph (B), by inserting “,*  
12 *upon written request from either the Bureau of*  
13 *Prisons or an eligible elderly offender or eligible*  
14 *terminally ill offender” after “to home deten-*  
15 *tion”;*

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

18 (3) *in paragraph (3)—*

19 (A) *by striking “at least one Bureau of*  
20 *Prisons facility” and inserting “Bureau of Pris-*  
21 *ons facilities”;* and

22 (B) *by striking “and shall be carried out*  
23 *during fiscal years 2009 and 2010” and insert-*  
24 *ing “and shall be carried out during fiscal years*  
25 *2019 through 2022”;*

26 (4) *in paragraph (4)—*



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

4           (B) by inserting “and eligible terminally ill  
5 offenders” after “eligible elderly offenders”; and  
6 (5) in paragraph (5)—

7           (A) in subparagraph (A)—

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

10          (ii) in clause (ii)—

11           (I) by striking “the greater of 10  
12 years or”; and

13           (II) by striking “75 percent” and  
14 inserting “ $\frac{2}{3}$ ”; and

15           (iii) in clause (vii), by inserting before  
16 the period at the end the following: “, and  
17 beginning on the date that is 2 years after  
18 the date on which the Bureau of Prisons has  
19 completed the initial intake risk and needs  
20 assessment for each prisoner under section  
21 3621(h)(1)(A) of title 18, United States  
22 Code, has been determined to have a min-  
23 imum or low risk of recidivism based on 2  
24 consecutive assessments described in such  
25 section 3621”; and

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

2                   “(D) *ELIGIBLE TERMINALLY ILL OF-*  
3                   *FENDER.—The term ‘eligible terminally ill of-*  
4                   *fender’ means an offender in the custody of the*  
5                   *Bureau of Prisons who—*

6                   “(i) *is serving a term of imprisonment*  
7                   *based on conviction for an offense or offenses*  
8                   *that do not include any crime of violence*  
9                   *(as defined in section 16(a) of title 18,*  
10                   *United States Code), sex offense (as defined*  
11                   *in section 111(5) of the Sex Offender Reg-*  
12                   *istration and Notification Act (34 U.S.C.*  
13                   *20911(5))), offense described in section*  
14                   *2332b(g)(5)(B) of title 18, United States*  
15                   *Code, or offense under chapter 37 of title 18,*  
16                   *United States Code;*

17                   “(ii) *satisfies the criteria specified in*  
18                   *clauses (iii) through (vii) of subparagraph*  
19                   *(A); and*

20                   “(iii) *has been determined by a med-*  
21                   *ical doctor approved by the Bureau of Pris-*  
22                   *ons to be—*

23                   “(I) *in need of care at a nursing*  
24                   *home, intermediate care facility, or as-*  
25                   *sisted living facility, as those terms are*

1                   *defined in section 232 of the National*  
2                   *Housing Act (12 U.S.C. 1715w); or*  
3                   *“(II) diagnosed with a terminal*  
4                   *illness.”.*

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

8                   ***(1) in subsection (c)(1)(A), in the matter pre-***  
9                   ***ceding clause (i), by inserting after “Bureau of Pris-***  
10                   ***ons,” the following: “or upon motion of the defendant***  
11                   ***after the defendant has fully exhausted all adminis-***  
12                   ***trative rights to appeal a failure of the Bureau of***  
13                   ***Prisons to bring a motion on the defendant’s behalf***  
14                   ***or the lapse of 30 days from the receipt of such a re-***  
15                   ***quest by the warden of the defendant’s facility, which-***  
16                   ***ever is earlier,”;***

17                   ***(2) by redesignating subsection (d) as subsection***  
18                   ***(e); and***

19                   ***(3) by inserting after subsection (c) the fol-***  
20                   ***lowing:***

21                   ***“(d) NOTIFICATION REQUIREMENTS.—***

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

1           “(2) *NOTIFICATION.*—*The Bureau of Prisons*  
2 *shall, subject to any applicable confidentiality re-*  
3 *quirements—*

4                   “(A) *in the case of a defendant diagnosed*  
5 *with a terminal illness—*

6                           “(i) *not later than 72 hours after the*  
7 *diagnosis notify the defendant’s attorney,*  
8 *partner, and family members of the defend-*  
9 *ant’s condition and inform the defendant’s*  
10 *attorney, partner, and family members that*  
11 *they may prepare and submit on the de-*  
12 *fendant’s behalf a request for a sentence re-*  
13 *duction pursuant to subsection (c)(1)(A);*

14                           “(ii) *not later than 7 days after the*  
15 *date of the diagnosis, provide the defend-*  
16 *ant’s partner and family members (includ-*  
17 *ing extended family) with an opportunity*  
18 *to visit the defendant in person;*

19                           “(iii) *upon request from the defendant*  
20 *or his attorney, partner, or a family mem-*  
21 *ber, ensure that Bureau of Prisons employ-*  
22 *ees assist the defendant in the preparation,*  
23 *drafting, and submission of a request for a*  
24 *sentence reduction pursuant to subsection*  
25 *(c)(1)(A); and*

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

6           “(B) in the case of a defendant who is phys-  
7           ically or mentally unable to submit a request for  
8           a sentence reduction pursuant to subsection  
9           (c)(1)(A)—

10           “(i) inform the defendant’s attorney,  
11           partner, and family members that they may  
12           prepare and submit on the defendant’s be-  
13           half a request for a sentence reduction pur-  
14           suant subsection (c)(1)(A);

15           “(ii) accept and process a request for  
16           sentence reduction that has been prepared  
17           and submitted on the defendant’s behalf by  
18           the defendant’s attorney, partner, or family  
19           member under clause (i); and

20           “(iii) upon request from the defendant  
21           or his attorney, partner, or family member,  
22           ensure that Bureau of Prisons employees as-  
23           sist the defendant in the preparation, draft-  
24           ing, and submission of a request for a sen-

1            *tence reduction pursuant subsection*  
2            *(c)(1)(A); and*

3            *“(C) ensure that all Bureau of Prisons fa-*  
4            *ilities regularly and visibly post, including in*  
5            *prisoner handbooks, staff training materials, and*  
6            *facility law libraries and medical and hospice*  
7            *facilities, and make available to prisoners upon*  
8            *demand, notice of—*

9            *“(i) a defendant’s ability to request a*  
10           *sentence reduction pursuant to subsection*  
11           *(c)(1)(A);*

12           *“(ii) the procedures and timelines for*  
13           *initiating and resolving requests described*  
14           *in clause (i); and*

15           *“(iii) the right to appeal a denial of a*  
16           *request described in clause (i) after all ad-*  
17           *ministrative rights to appeal within the*  
18           *Bureau of Prisons have been exhausted.*

19           *“(3) ANNUAL REPORT.—Not later than 1 year*  
20           *after the date of enactment of this subsection, and*  
21           *once every year thereafter, the Director of the Bureau*  
22           *of Prisons shall submit to the Committee on the Judi-*  
23           *ciary of the Senate and the Committee on the Judici-*  
24           *ary of the House of Representatives a report on re-*  
25           *quests for sentence reductions pursuant to subsection*

1       (c)(1)(A), which shall include a description of, for the  
2       previous year—

3               “(A) the number of prisoners granted and  
4       denied sentence reductions, categorized by the  
5       criteria relied on as the grounds for a reduction  
6       in sentence;

7               “(B) the number of requests initiated by or  
8       on behalf of prisoners, categorized by the criteria  
9       relied on as the grounds for a reduction in sen-  
10      tence;

11              “(C) the number of requests which Bureau  
12      of Prisons employees assisted prisoners in draft-  
13      ing, preparing, or submitting, categorized by the  
14      criteria relied on as the grounds for a reduction  
15      in sentence, and the final decision made in each  
16      request;

17              “(D) the number of requests which attor-  
18      neys, partners, or family members submitted on  
19      a defendant’s behalf, categorized by the criteria  
20      relied on as the grounds for a reduction in sen-  
21      tence, and the final decision made in each re-  
22      quest;

23              “(E) the number of requests approved by the  
24      Director of the Bureau of Prisons, categorized by

1           *the criteria relied on as the grounds for a reduc-*  
2           *tion in sentence;*

3           “(F) *the number of requests denied by the*  
4           *Director of the Bureau of Prisons and the rea-*  
5           *sons given for each denial, categorized by the cri-*  
6           *teria relied on as the grounds for a reduction in*  
7           *sentence;*

8           “(G) *for each request, the time elapsed be-*  
9           *tween the date the request was received by the*  
10          *warden and the final decision, categorized by the*  
11          *criteria relied on as the grounds for a reduction*  
12          *in sentence;*

13          “(H) *for each request, the number of pris-*  
14          *oners who died while their request was pending*  
15          *and, for each, the amount of time that had*  
16          *elapsed between the date the request was received*  
17          *by the Bureau of Prisons, categorized by the cri-*  
18          *teria relied on as the grounds for a reduction in*  
19          *sentence;*

20          “(I) *the number of Bureau of Prisons notifi-*  
21          *cations to attorneys, partners, and family mem-*  
22          *bers of their right to visit a terminally ill de-*  
23          *fendant as required under paragraph (2)(A)(ii)*  
24          *and, for each, whether a visit occurred and how*



1           *much time elapsed between the notification and*  
2           *the visit;*

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

7           *“(K) the number of motions filed by defend-*  
8           *ants with the court after all administrative*  
9           *rights to appeal a denial of a sentence reduction*  
10           *had been exhausted, the outcome of each motion,*  
11           *and the time that had elapsed between the date*  
12           *the request was first received by the Bureau of*  
13           *Prisons and the date the defendant filed the mo-*  
14           *tion with the court.”.*

15   **SEC. 404. IDENTIFICATION FOR RETURNING CITIZENS.**

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

19           *(1) in paragraph (1)—*

20            *(A) by striking “(including” and inserting*  
21            *“prior to release from a term of imprisonment in*  
22            *a Federal prison or if the individual was not*  
23            *sentenced to a term of imprisonment in a Fed-*  
24            *eral prison, prior to release from a sentence to*

1           *a term in community confinement, including*”;  
2           *and*

3                   *(B) by striking “or birth certificate) prior*  
4           *to release” and inserting “and a birth certifi-*  
5           *cate”;* *and*

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

7                   *“(4) DEFINITION.—In this subsection, the term*  
8           *‘community confinement means’ residence in a com-*  
9           *munity treatment center, halfway house, restitution*  
10          *center, mental health facility, alcohol or drug reha-*  
11          *bilitation center, or other community facility.”.*

12          *(b) DUTIES OF THE BUREAU OF PRISONS.—Section*  
13    4042(a) of title 18, United States Code, is amended—

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

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

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

18                                   *(i) by striking “Social Security*  
19                           *Cards,”; and*

20                                   *(ii) by striking “and” at the end;*

21                           *(B) by redesignating clause (ii) as clause*  
22                   *(iii);*

23                           *(C) by inserting after clause (i) the fol-*  
24           *lowing:*

1           “(i) obtain identification, including a so-  
2           cial security card, driver’s license or other offi-  
3           cial photo identification, and a birth certificate;  
4           and”;

5           (D) in clause (iii) (as so redesignated), by  
6           inserting after “prior to release” the following:  
7           “from a sentence to a term of imprisonment in  
8           a Federal prison or if the individual was not  
9           sentenced to a term of imprisonment in a Fed-  
10          eral prison, prior to release from a sentence to  
11          a term of community confinement”; and

12          (E) by redesignating clauses (i), (ii), and  
13          (iii) (as so amended) as subparagraphs (A), (B),  
14          and (C), respectively; and

15          (3) in paragraph (7) (as so redesignated), by re-  
16          designating clauses (i) through (vii) as subparagraphs  
17          (A) through (G), respectively.

18 **SEC. 405. MISCELLANEOUS.**

19          (a) *REPEAL*.—Section 4351 of title 18, United States  
20          Code, is repealed.

21          (b) *CONFORMING AMENDMENT*.—Section 4352 of title  
22          18, United States Code, is amended in subsection (a), by  
23          striking “National Institute of Corrections” and inserting  
24          “National Institute of Justice”.

1           (c) *STRIKE RELATED TO FUNCTIONS OF THE NA-*  
2 *TIONAL INSTITUTE OF CORRECTIONS.*—*The Department of*  
3 *Justice Appropriations Act, 1997 (Title I, Div. A, Public*  
4 *Law 104–208, 110 Stat. 3009–11) is amended under the*  
5 *heading “Federal Prison System, Salaries and Expenses”*  
6 *by striking the eighth proviso (pertaining to the budget and*  
7 *functions of the National Institute of Corrections).*

8 **SEC. 406. EXPANDING INMATE EMPLOYMENT THROUGH**  
9 **FEDERAL PRISON INDUSTRIES.**

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

13 **“§4130. Additional markets**

14           “(a) *IN GENERAL.*—*Notwithstanding any other provi-*  
15 *sion of law, Federal Prison Industries may sell products*  
16 *to—*

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

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

21                   “(3) *the government of the District of Columbia;*  
22 *and*

23                   “(4) *any organization described in section*  
24 *501(c)(3), (c)(4), or (d) of the Internal Revenue Code*

1 of 1986 that is exempt from taxation under section  
2 501(a) of such Code.

3 “(b) *DEFINITIONS.*—*In this section:*

4 “(1) *The term ‘public entity’ means a State, a*  
5 *subdivision of a State, an Indian tribe, and an agen-*  
6 *cy or governmental corporation or business of any of*  
7 *the foregoing.*

8 “(2) *The term ‘State’ means a State, the District*  
9 *of Columbia, the Commonwealth of Puerto Rico,*  
10 *Guam, American Samoa, the Northern Mariana Is-*  
11 *lands, and the United States Virgin Islands.”.*

12 (b) *TECHNICAL AMENDMENT.*—*The table of sections for*  
13 *chapter 307 of title 18, United States Code, is amended by*  
14 *inserting after the item relating to section 4129 the fol-*  
15 *lowing:*

*“4130. Additional markets.”.*

16 (c) *DEFERRED COMPENSATION.*—*Section 4126(c)(4) of*  
17 *title 18, United States Code, is amended by inserting after*  
18 *“operations,” the following: “not less than 15 percent of*  
19 *such compensation for any inmate shall be reserved in the*  
20 *fund or a separate account and made available to assist*  
21 *the inmate with costs associated with release from prison,”.*

22 **SEC. 407. DE-ESCALATION TRAINING.**

23 *Beginning not later than 1 year after the date of the*  
24 *enactment of this Act, the Director of the Bureau of Prisons*  
25 *shall incorporate into training programs provided to offi-*

1 *cers and employees of the Bureau of Prisons (including offi-*  
2 *cers and employees of an organization with which the Bu-*  
3 *reau of Prisons has a contract to provide services relating*  
4 *to imprisonment) specialized and comprehensive training*  
5 *in procedures to—*

6 *(1) de-escalate encounters between a law enforce-*  
7 *ment officer or an officer or employee of the Bureau*  
8 *of Prisons, and a civilian or a prisoner (as such term*  
9 *is defined in section 106 of this Act); and*

10 *(2) identify and appropriately respond to inci-*  
11 *dents that involve the unique needs of individuals who*  
12 *have a mental illness or cognitive deficit.*

13 **SEC. 408. EVIDENCE-BASED TREATMENT FOR OPIOID AND**  
14 **HEROIN ABUSE.**

15 *(a) REPORT ON EVIDENCE-BASED TREATMENT FOR*  
16 *OPIOID AND HEROIN ABUSE.—Not later than 90 days after*  
17 *the date of the enactment of this Act, the Director of the*  
18 *Bureau of Prisons shall submit to the Committees on the*  
19 *Judiciary and the Committees on Appropriations of the*  
20 *Senate and of the House of Representatives a report assess-*  
21 *ing the availability of and the capacity of the Bureau of*  
22 *Prisons to treat heroin and opioid abuse through evidence-*  
23 *based programs, including medication-assisted treatment*  
24 *where appropriate. In preparing the report, the Director*  
25 *shall consider medication-assisted treatment as a strategy*

1 *to assist in treatment where appropriate and not as a re-*  
2 *placement for holistic and other drug-free approaches. The*  
3 *report shall include a description of plans to expand access*  
4 *to evidence-based treatment for heroin and opioid abuse for*  
5 *prisoners, including access to medication-assisted treatment*  
6 *in appropriate cases. Following submission, the Director*  
7 *shall take steps to implement these plans.*

8       **(b) REPORT ON THE AVAILABILITY OF MEDICATION-**  
9 **ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,**  
10 **AND IMPLEMENTATION THEREOF.**—*Not later than 120 days*  
11 *after the date of the enactment of this Act, the Director of*  
12 *the Administrative Office of the United States Courts shall*  
13 *submit to the Committees on the Judiciary and the Com-*  
14 *mittees on Appropriations of the Senate and of the House*  
15 *of Representatives a report assessing the availability of and*  
16 *capacity for the provision of medication-assisted treatment*  
17 *for opioid and heroin abuse by treatment-service providers*  
18 *servicing prisoners who are serving a term of supervised re-*  
19 *lease, and including a description of plans to expand access*  
20 *to medication assisted treatment for heroin and opioid*  
21 *abuse whenever appropriate among prisoners under super-*  
22 *vised release. Following submission, the Director will take*  
23 *steps to implement these plans.*

1 **SEC. 409. PILOT PROGRAMS.**

2 (a) *IN GENERAL.*—*The Bureau of Prisons shall estab-*  
3 *lish each of the following pilot programs for 5 years, in*  
4 *at least 20 facilities:*

5 (1) *MENTORSHIP FOR YOUTH.*—*A program to*  
6 *pair youth with volunteers from faith-based or com-*  
7 *munity organizations, which may include formerly*  
8 *incarcerated offenders, that have relevant experience*  
9 *or expertise in mentoring, and a willingness to serve*  
10 *as a mentor in such a capacity.*

11 (2) *SERVICE TO ABANDONED, RESCUED, OR OTH-*  
12 *ERWISE VULNERABLE ANIMALS.*—*A program to equip*  
13 *prisoners with the skills to provide training and ther-*  
14 *apy to animals seized by Federal law enforcement*  
15 *under asset forfeiture authority and to organizations*  
16 *that provide shelter and similar services to aban-*  
17 *doned, rescued, or otherwise vulnerable animals.*

18 (b) *REPORTING REQUIREMENT.*—*Not later than one*  
19 *year after the conclusion of the pilot programs, the Attorney*  
20 *General shall report to Congress on the results of the pilot*  
21 *programs under this section. Such report shall include cost*  
22 *savings, numbers of participants, and information about*  
23 *recidivism rates among participants.*

24 (c) *DEFINITION.*—*In this title, the term “youth”*  
25 *means a prisoner (as such term is defined in section 106)*  
26 *who was 21 years of age or younger at the time of the com-*



1 *mission or alleged commission of the criminal offense for*  
2 *which the individual is being prosecuted or serving a term*  
3 *of imprisonment, as the case may be.*

4 **SEC. 410. ENSURING SUPERVISION OF RELEASED SEXU-**  
5 **ALLY DANGEROUS PERSONS.**

6 (a) *PROBATION OFFICERS.*—Section 3603 of title 18,  
7 *United States Code, is amended in paragraph (8)(A) by*  
8 *striking “or 4246” and inserting “, 4246, or 4248”.*

9 (b) *PRETRIAL SERVICES OFFICERS.*—Section 3154 of  
10 *title 18, United States Code, is amended in paragraph*  
11 *(12)(A) by striking “or 4246” and inserting “, 4246, or*  
12 *4248”.*

13 **SEC. 411. DATA COLLECTION.**

14 (a) *NATIONAL PRISONER STATISTICS PROGRAM.*—Be-  
15 *ginning not later than one year after the date of the enact-*  
16 *ment of this Act, and annually thereafter, pursuant to the*  
17 *authority under section 302 of the Omnibus Crime Control*  
18 *and Safe Streets Act of 1968 (42 U.S.C. 3732), the Director*  
19 *of the Bureau of Justice Statistics, with information that*  
20 *shall be provided by the Director of the Bureau of Prisons,*  
21 *shall include in the National Prisoner Statistics Program*  
22 *the following:*

23 (1) *The number of prisoners (as such term is de-*  
24 *finied in section 106 of this Act) who are veterans of*  
25 *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, still-birth, mis-*  
8           *carriage, abortion, ectopic pregnancy, maternal death,*  
9           *neonatal death, and preterm birth.*

10          (4) *The numbers 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 methadone*  
15          *or buprenorphine while in custody in order to man-*  
16          *age withdrawal or to continually treat substance de-*  
17          *pendence and abuse.*

18          (6) *The number of prisoners who were receiving*  
19          *methadone or buprenorphine therapy prior to the*  
20          *commencement of their term of imprisonment.*

21          (7) *The number of prisoners who are the parent*  
22          *or guardian of a minor child.*

23          (8) *The numbers of prisoners who are single,*  
24          *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 health*  
16 *care staff positions, and average length of such a va-*  
17 *cancy.*

18           (14) *The number of facilities that operated, at*  
19 *any time during the previous year, without at least*  
20 *one clinical nurse, certified paramedic, or licensed*  
21 *physician 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, entered into by each fa-*  
4 *ility.*

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 *403 of this Act.*

12           (20) *The number of aliens in prison during the*  
13 *previous year.*

14           (21) *For each Bureau of Prisons facility, the*  
15 *total number of violations that resulted in reductions*  
16 *in rewards, incentives, or time credits, the number of*  
17 *such violations for each category of violation, and the*  
18 *demographic breakdown of the prisoners who have re-*  
19 *ceived such reductions.*

20           (22) *The number of assaults on Bureau of Prison*  
21 *staff by prisoners and the number of criminal pros-*  
22 *ecutions of prisoners for assaulting Bureau of Prison*  
23 *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 one year after the date of the enactment of*  
20          *this Act, and annually thereafter for a period of 7 years,*  
21          *the Director of the Bureau of Justice Statistics shall submit*  
22          *a report containing the information described in para-*  
23          *graphs (1) through (26) of subsection (a) to the Committees*  
24          *on the Judiciary of the House of Representatives and of*  
25          *the Senate.*

1 **SEC. 412. 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. 413. PRISON RAPE ELIMINATION STANDARDS AUDI-**  
12 **TORS.**

13 *Section 8(e)(8) of the Prison Rape Elimination Act*  
14 *of 2003 (34 U.S.C. 30307(e)(8)) is amended to read as fol-*  
15 *lows:*

16 “(8) *STANDARDS FOR AUDITORS.*—

17 “(A) *IN GENERAL.*—

18 “(i) *BACKGROUND CHECKS FOR AUDI-*  
19 *TORS.*—*An individual seeking certification*  
20 *by the Department of Justice to serve as an*  
21 *auditor of prison compliance with the na-*  
22 *tional standards described in subsection (a)*  
23 *shall, upon request, submit fingerprints in*  
24 *the manner determined by the Attorney*  
25 *General for criminal history record checks*

1                   of the applicable State and Federal Bureau  
2                   of Investigation repositories.

3                   “(ii) *CERTIFICATION AGREEMENTS.*—  
4                   Each auditor certified under this paragraph  
5                   shall sign a certification agreement that in-  
6                   cludes the provisions of, or provisions that  
7                   are substantially similar to, the Bureau of  
8                   Justice Assistance’s Auditor Certification  
9                   Agreement in use in April 2018.

10                  “(iii) *AUDITOR EVALUATION.*—The  
11                  PREA Management Office of the Bureau of  
12                  Justice Assistance shall evaluate all audi-  
13                  tors based on the criteria contained in the  
14                  certification agreement. In the case that an  
15                  auditor fails to comply with a certification  
16                  agreement or to conduct audits in accord-  
17                  ance with the PREA Auditor Handbook,  
18                  audit methodology, and instrument ap-  
19                  proved by the PREA Management Office,  
20                  the Office may take remedial or discipli-  
21                  nary action, as appropriate, including de-  
22                  certifying the auditor in accordance with  
23                  subparagraph (B).

24                  “(B) *AUDITOR DECERTIFICATION.*—

1           “(i) *IN GENERAL.*—*The PREA Man-*  
2           *agement Office may suspend an auditor’s*  
3           *certification during an evaluation of an*  
4           *auditor’s performance under subparagraph*  
5           *(A)(iii). The PREA Management Office*  
6           *shall promptly publish the names of audi-*  
7           *tors who have been decertified, and the rea-*  
8           *son for decertification. Auditors who have*  
9           *been decertified or are on suspension may*  
10           *not participate in audits described in sub-*  
11           *section (a), including as an agent of a cer-*  
12           *tified auditor.*

13           “(ii) *NOTIFICATION.*—*In the case that*  
14           *an auditor is decertified, the PREA Man-*  
15           *agement Office shall inform each facility or*  
16           *agency at which the auditor performed an*  
17           *audit during the relevant three-year audit*  
18           *cycle, and may recommend that the agency*  
19           *repeat any affected audits, if appropriate.*

20           “(C) *AUDIT ASSIGNMENTS.*—*The PREA*  
21           *Management Office shall establish a system, to be*  
22           *administered by the Office, for assigning cer-*  
23           *tified auditors to Federal, State, and local facili-*  
24           *ties.*



1           “(D) *DISCLOSURE OF DOCUMENTATION.*—  
2           *The Director of the Bureau of Prisons shall com-*  
3           *ply with each request for documentation nec-*  
4           *essary to conduct an audit under subsection (a),*  
5           *which is made by a certified auditor in accord-*  
6           *ance with the provisions of the certification*  
7           *agreement described in subparagraph (A)(ii).*  
8           *The Director of the Bureau of Prisons may re-*  
9           *quire an auditor to sign a confidentiality agree-*  
10           *ment or other agreement designed to address the*  
11           *auditor’s use of personally identifiable informa-*  
12           *tion, except that such an agreement may not*  
13           *limit an auditor’s ability to provide all such*  
14           *documentation to the Department of Justice, as*  
15           *required under section 115.401(j) of title 28,*  
16           *Code of Federal Regulations.”.*

17 **SEC. 414. ADULT AND JUVENILE COLLABORATION PRO-**  
18 **GRAMS.**

19           *Section 2991 of title I of the Omnibus Crime Control*  
20 *and Safe Streets Act of 1968 (34 U.S.C. 10651) is amend-*  
21 *ed—*

22           (1) *by striking subsection (b)(4)(D);*

23           (2) *in subsection (e), by striking “may use up to*  
24 *3 percent” and inserting “shall use not less than 6*  
25 *percent”; and*

1           (3) *by amending subsection (g) to read as fol-*  
2       *lows:*

3           “(g) *COLLABORATION SET ASIDE.—The Attorney Gen-*  
4       *eral shall use not less than 8 percent of funds appropriated*  
5       *to provide technical assistance to State and local govern-*  
6       *ments receiving grants under this part to foster collabora-*  
7       *tion between such governments in furtherance of the pur-*  
8       *poses set forth in section 3 of the Mentally Ill Offender*  
9       *Treatment and Crime Reduction Act of 2004 (34 U.S.C.*  
10       *10651 note).”.*



Union Calendar No. 541

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5682**

[Report No. 115-699]

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## **A BILL**

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

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MAY 22, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed