

# Calendar No. 674

115TH CONGRESS  
2D SESSION

# S. 3649

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 SENATE OF THE UNITED STATES

NOVEMBER 15, 2018

Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. LEE, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. BOOKER, Mr. SCOTT, Mr. LEAHY, Mrs. ERNST, Mr. MORAN, Ms. KLOBUCHAR, Mr. COONS, Mr. FLAKE, Mr. BLUMENTHAL, Mr. ROBERTS, Mr. JONES, Ms. COLLINS, Ms. DUCKWORTH, Mr. ALEXANDER, and Mrs. GILLIBRAND) introduced the following bill; which was read the first time

NOVEMBER 26, 2018

Read the second time and placed on the calendar

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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.

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM REDUCTION

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

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

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

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

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

TITLE IV—SENTENCING REFORM

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

TITLE V—MISCELLANEOUS CRIMINAL JUSTICE

- Sec. 501. Placement of prisoners close to families.  
 Sec. 502. Home confinement for low-risk prisoners.  
 Sec. 503. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.  
 Sec. 504. Identification for returning citizens.  
 Sec. 505. Expanding inmate employment through Federal Prison Industries.  
 Sec. 506. De-escalation training.  
 Sec. 507. Evidence-Based treatment for opioid and heroin abuse.  
 Sec. 508. Pilot programs.  
 Sec. 509. Ensuring supervision of released sexually dangerous persons.  
 Sec. 510. Data collection.  
 Sec. 511. Healthcare products.  
 Sec. 512. Adult and juvenile collaboration programs.  
 Sec. 513. Juvenile solitary confinement.

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

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

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

7                   “SUBCHAPTER D—RISK AND NEEDS  
 8                   ASSESSMENT SYSTEM

“Sec.

“3631. Duties of the Attorney General.

“3632. Development of risk and needs assessment system.

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

“3634. Report.

“3635. Definitions.

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

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

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

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

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

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

19                   “(5) the Director of the National Institute of  
 20 Corrections.

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

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

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 anal-  
8 ysis on—

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

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

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

19                   “(D) products purchased by Federal agen-  
20 cies that are manufactured overseas and could  
21 be 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  
3 shall include—

4                   “(A) any subsequent changes to the risk  
5 and needs assessment system made after the  
6 date of 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 assess-  
12 ment of each prisoner’s risk of recidivism on in-  
13 dicators of progress and of regression that are  
14 dynamic 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 reduced 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  
9 the date of enactment of this subchapter, the Attorney  
10 General, in consultation with the Independent Review  
11 Committee authorized by the First Step Act, shall develop  
12 and release a risk and needs assessment system (referred  
13 to in this subchapter as the ‘System’), which shall be used  
14 to—

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

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

22 “(3) determine the type and amount of evi-  
23 dence-based recidivism reduction programming that  
24 is appropriate for each prisoner and assign each  
25 prisoner to such programming accordingly, and

1 based on the prisoner’s specific criminogenic needs,  
2 and in accordance with subsection (b);

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

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

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

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

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

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

23 “(7) determine when a prisoner is ready to  
24 transfer into prerelease custody or supervised release  
25 in accordance with section 3624.

1 In carrying out this subsection, the Attorney General may  
 2 use existing risk and needs assessment tools, as appro-  
 3 priate.

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

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

12 “(2) information on the best ways that the Bu-  
 13 reau of Prisons can tailor the programs to the spe-  
 14 cific criminogenic needs of each prisoner so as to  
 15 most effectively lower each prisoner’s risk of recidi-  
 16 vism.

17 “(c) HOUSING AND ASSIGNMENT DECISIONS.—The  
 18 System shall provide guidance on program grouping and  
 19 housing assignment determinations and, after accounting  
 20 for the safety of each prisoner and other individuals at  
 21 the prison, provide that prisoners with a similar risk level  
 22 be grouped together in housing and assignment decisions  
 23 to the extent practicable.

24 “(d) EVIDENCE-BASED RECIDIVISM REDUCTION  
 25 PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES RE-

1 WARDS.—The System shall provide incentives and rewards  
2 for prisoners to participate in and complete evidence-based  
3 recidivism reduction programs as follows:

4 “(1) PHONE AND VISITATION PRIVILEGES.—A  
5 prisoner who is successfully participating in an evi-  
6 dence-based recidivism reduction program shall re-  
7 ceive—

8 “(A) phone privileges, or, if available, video  
9 conferencing privileges, for up to 30 minutes  
10 per day, and up to 510 minutes per month; and

11 “(B) additional time for visitation at the  
12 prison, as determined by the warden of the pris-  
13 on.

14 “(2) TRANSFER TO INSTITUTION CLOSER TO  
15 RELEASE RESIDENCE.—A prisoner who is success-  
16 fully participating in an evidence-based recidivism  
17 reduction program shall be considered by the Bu-  
18 reau of Prisons for placement in a facility closer to  
19 the prisoner’s release residence upon request from  
20 the prisoner and subject to—

21 “(A) bed availability at the transfer facil-  
22 ity;

23 “(B) the prisoner’s security designation;  
24 and

1           “(C) the recommendation from the warden  
2           of the prison at which the prisoner is incarcerated  
3           ated at the time of making the request.

4           “(3) ADDITIONAL POLICIES.—The Director of  
5           the Bureau of Prisons shall develop additional poli-  
6           cies to provide appropriate incentives for successful  
7           participation and completion of evidence-based re-  
8           cidivism reduction programming. The incentives  
9           shall include not less than 2 of the following:

10           “(A) Increased commissary spending limits  
11           and product offerings.

12           “(B) Extended opportunities to access the  
13           email system.

14           “(C) Consideration of transfer to preferred  
15           housing units (including transfer to different  
16           prison facilities).

17           “(D) Other incentives solicited from pris-  
18           oners and determined appropriate by the Direc-  
19           tor.

20           “(4) TIME CREDITS.—

21           “(A) IN GENERAL.—A prisoner, except for  
22           an ineligible prisoner under subparagraph (D),  
23           who successfully completes evidence-based re-  
24           cidivism reduction programming or productive  
25           activities, shall earn time credits as follows:

1           “(i) A prisoner shall earn 10 days of  
2           time credits for every 30 days of successful  
3           participation in evidence-based recidivism  
4           reduction programming or productive ac-  
5           tivities.

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

15          “(B) AVAILABILITY.—A prisoner may not  
16          earn time credits under this paragraph for an  
17          evidence-based recidivism reduction program  
18          that the prisoner successfully completed—

19                 “(i) prior to the date of enactment of  
20                 this subchapter; or

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

24          “(C) APPLICATION OF TIME CREDITS TO-  
25          WARD PRERELEASE CUSTODY OR SUPERVISED

1           RELEASE.—Time credits earned under this  
2           paragraph by prisoners who successfully partici-  
3           pate in recidivism reduction programs or pro-  
4           ductive activities shall be applied toward time in  
5           prerelease custody or supervised release. The  
6           Director of the Bureau of Prisons shall transfer  
7           eligible prisoners, as determined under section  
8           3624(g), into prerelease custody or supervised  
9           release.

10           “(D) INELIGIBLE PRISONERS.—A prisoner  
11           is ineligible to receive time credits under this  
12           paragraph if the prisoner is serving a sentence  
13           for a conviction under any of the following pro-  
14           visions of law:

15                   “(i) Section 113(a)(1), relating to as-  
16                   sault with intent to commit murder.

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

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

24                   “(iv) Any section of chapter 11B, re-  
25                   lating to chemical weapons.

1           “(v) Section 351, relating to Congres-  
2           sional, Cabinet, and Supreme Court assas-  
3           sination, kidnapping, and assault.

4           “(vi) Section 793, relating to gath-  
5           ering, transmitting, or losing defense infor-  
6           mation.

7           “(vii) Section 794, relating to gath-  
8           ering or delivering defense information to  
9           aid a foreign government.

10          “(viii) Any section of chapter 39, re-  
11          lating to explosives and other dangerous  
12          articles, except for section 836 (relating to  
13          the transportation of fireworks into a State  
14          prohibiting sale or use).

15          “(ix) Section 842(p), relating to dis-  
16          tribution of information relating to explo-  
17          sives, destructive devices, and weapons of  
18          mass destruction, but only if the conviction  
19          involved a weapon of mass destruction (as  
20          defined in section 2332a(c)).

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

24          “(xi) Clause (ii) or (iii) of section  
25          924(c)(1)(A), relating to brandishing or

1 discharging a firearm during and in rela-  
2 tion to any crime of violence or drug traf-  
3 ficking crime.

4 “(xii) Section 924(c)(1)(C), relating  
5 to using or carrying a firearm during and  
6 in relation to any crime of violence or drug  
7 trafficking crime after a prior conviction  
8 under section 924(c) has become final, or  
9 after a prior conviction under State law  
10 that would have been an offense under sec-  
11 tion 924(c) had the offense occurred in  
12 Federal jurisdiction has become final, un-  
13 less the prisoner did not have a meaningful  
14 opportunity to participate in the recidivism  
15 reduction programming described in this  
16 title for one of the prior convictions.

17 “(xiii) Section 1030(a)(1), relating to  
18 fraud and related activity in connection  
19 with computers.

20 “(xiv) Any section of chapter 51, re-  
21 lating to homicide, except for section 1112  
22 (relating to manslaughter), 1113 (relating  
23 to attempt to commit murder or man-  
24 slaughter, but only if the conviction was  
25 for an attempt to commit manslaughter),

1 1115 (relating to misconduct or neglect of  
2 ship officers), or 1122 (relating to protec-  
3 tion against the human immunodeficiency  
4 virus).

5 “(xv) Any section of chapter 55, relat-  
6 ing to kidnapping.

7 “(xvi) Any offense under chapter 77,  
8 relating to peonage, slavery, and traf-  
9 ficking in persons, except for sections 1592  
10 through 1596.

11 “(xvii) Section 1751, relating to Pres-  
12 idential and Presidential staff assassina-  
13 tion, kidnapping, and assault.

14 “(xviii) Section 1841(a)(2)(C), relat-  
15 ing to intentionally killing or attempting to  
16 kill an unborn child.

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

22 “(xx) Section 2113(e), relating to  
23 bank robbery resulting in death.

1 “(xxi) Section 2118(c)(2), relating to  
2 robberies and burglaries involving con-  
3 trolled substances resulting in death.

4 “(xxii) Section 2119(3), relating to  
5 taking a motor vehicle (commonly referred  
6 to as ‘carjacking’) that results in death.

7 “(xxiii) Any section of chapter 105,  
8 relating to sabotage, except for section  
9 2152.

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

12 “(xxv) Section 2251, relating to the  
13 sexual exploitation of children.

14 “(xxvi) Section 2251A, relating to the  
15 selling or buying of children.

16 “(xxvii) Section 2252, relating to cer-  
17 tain activities relating to material involving  
18 the sexual exploitation of minors.

19 “(xxviii) Section 2252A, relating to  
20 certain activities involving material consti-  
21 tuting or containing child pornography.

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

1           “(xxx) Section 2283, relating to the  
2 transportation of explosive, biological,  
3 chemical, or radioactive or nuclear mate-  
4 rials.

5           “(xxxi) Section 2284, relating to the  
6 transportation of terrorists.

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

12           “(xxxiii) Any section of chapter 113B,  
13 relating to terrorism.

14           “(xxxiv) Section 2340A, relating to  
15 torture.

16           “(xxxv) Section 2381, relating to trea-  
17 son.

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

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

1           “(xxxviii) Section 92 of the Atomic  
2 Energy Act of 1954 (42 U.S.C. 2122), re-  
3 lating to prohibitions governing atomic  
4 weapons.

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

9           “(xl) Section 224 or 225 of the Atom-  
10 ic Energy Act of 1954 (42 U.S.C. 2274,  
11 2275), relating to the communication or  
12 receipt of restricted data.

13           “(xli) Section 236 of the Atomic En-  
14 ergy Act of 1954 (42 U.S.C. 2284), relat-  
15 ing to the sabotage of nuclear facilities or  
16 fuel.

17           “(xlii) Section 60123(b) of title 49,  
18 relating to damaging or destroying a pipe-  
19 line facility, but only if the conduct which  
20 led to the conviction involved a substantial  
21 risk of death or serious bodily injury.

22           “(xliii) Section 401(a) of the Con-  
23 trolled Substances Act (21 U.S.C. 841),  
24 relating to manufacturing or distributing a  
25 controlled substance, but only in the case

1 of a conviction for an offense described in  
2 subparagraph (A), (B), or (C) of sub-  
3 section (b)(1) of that section for which  
4 death or serious bodily injury resulted  
5 from the use of such substance.

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

12 “(xlv) Any section of the Export Ad-  
13 ministration Act of 1979 (50 U.S.C. 4611  
14 et seq.)

15 “(xlv) Section 206 of the Inter-  
16 national Emergency Economic Powers Act  
17 (50 U.S.C. 1705).

18 “(xlvii) Section 601 of the National  
19 Security Act of 1947 (50 U.S.C. 3121), re-  
20 lating to the protection of identities of cer-  
21 tain United States undercover intelligence  
22 officers, agents, informants, and sources.

23 “(xlviii) An offense described in sec-  
24 tion 3559(c)(2)(F), for which the offender  
25 was sentenced to a term of imprisonment

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

19 “(xlix) Section 2118(c)(2), relating to  
20 robberies and burglaries involving con-  
21 trolled substances resulting in death.

22 “(l) Subparagraph (A)(i) or (B)(i) of  
23 section 401(b)(1) of the Controlled Sub-  
24 stances Act (21 U.S.C. 841(b)(1)) or para-  
25 graph (1)(A) or (2)(A) of section 1010(b)

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

14 “(li) Subparagraph (A)(vi) or (B)(vi)  
15 of section 401(b)(1) of the Controlled Sub-  
16 stances Act (21 U.S.C. 841(b)(1)) or para-  
17 graph (1)(F) or (2)(F) of section 1010(b)  
18 of the Controlled Substances Import and  
19 Export Act (21 U.S.C. 960(b)), relating to  
20 manufacturing, distributing, dispensing, or  
21 possessing with intent to manufacture, dis-  
22 tribute, or dispense, a mixture or sub-  
23 stance containing a detectable amount of  
24 N-phenyl-N-[1-(2-phenylethyl)-4-  
25 piperidinyl] propanamide, or any analogue

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

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

19                 “(I) the offense involved a mix-  
20                 ture or substance containing a detect-  
21                 able amount of N-phenyl-N-[1-(2-  
22                 phenylethyl)-4-piperidinyl]  
23                 propanamide, or any analogue thereof;  
24                 and

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

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

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

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

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

3                   “(5) RISK REASSESSMENTS AND LEVEL AD-  
4 JUSTMENT.—A prisoner who successfully partici-  
5 pates in evidence-based recidivism reduction pro-  
6 gramming or productive activities shall receive peri-  
7 odic risk reassessments not less often than annually,  
8 and a prisoner determined to be at a medium or  
9 high risk of recidivating and who has less than 5  
10 years until his or her projected release date shall re-  
11 ceive more frequent risk reassessments. If the reas-  
12 sessment shows that the prisoner's risk of  
13 recidivating or specific needs have changed, the Bu-  
14 reau of Prisons shall update the determination of  
15 the prisoner's risk of recidivating or information re-  
16 garding the prisoner's specific needs and reassign  
17 the prisoner to appropriate evidence-based recidivism  
18 reduction programming or productive activities  
19 based on such changes.

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

24                   “(e) PENALTIES.—The Director of the Bureau of  
25 Prisons shall develop guidelines for the reduction of re-

1 wards and incentives earned under subsection (d) for pris-  
2 oners who violate prison rules or evidence-based recidivism  
3 reduction program or productive activity rules, which shall  
4 provide—

5           “(1) general levels of violations and resulting  
6 reductions;

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

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

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

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

25           “(2) continuing education;

1 “(3) periodic training updates; and

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

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

12 **“§ 3633. Evidence-based recidivism reduction pro-**  
13 **gram and recommendations**

14 “Prior to releasing the System, in consultation with  
15 the Independent Review Committee authorized by the  
16 First Step Act, the Attorney General shall—

17 “(1) review the effectiveness of evidence-based  
18 recidivism reduction programs that exist as of the  
19 date of enactment of this subchapter in prisons oper-  
20 ated by the Bureau of Prisons;

21 “(2) review available information regarding the  
22 effectiveness of evidence-based recidivism reduction  
23 programs and productive activities that exist in  
24 State-operated prisons throughout the United  
25 States;

1           “(3) identify the most effective evidence-based  
2           recidivism reduction programs;

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

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

7                   “(A) evidence-based recidivism reduction  
8                   programs;

9                   “(B) the ability for faith-based organiza-  
10                  tions to function as a provider of educational  
11                  evidence-based programs outside of the religious  
12                  classes and services provided through the Chap-  
13                  laincy; and

14                  “(C) the addition of any new effective evi-  
15                  dence-based recidivism reduction programs that  
16                  the Attorney General finds.

17   **“§ 3634. Report**

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

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

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

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

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

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

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

20                   “(A) The primary offense of conviction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 level drug traffickers through the High In-  
2 tensity Drug Trafficking Areas Program  
3 and other task forces;

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

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

10 **“§ 3635. Definitions**

11 “In this subchapter the following definitions apply:

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

16 “(A) has been shown by empirical evidence  
17 to reduce recidivism or is based on research in-  
18 dicated that it is likely to be effective in reduc-  
19 ing recidivism;

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

23 “(C) may include—

- 1                   “(i) social learning and communica-  
2                   tion, interpersonal, anti-bullying, rejection  
3                   response, and other life skills;
- 4                   “(ii) family relationship building,  
5                   structured parent-child interaction, and  
6                   parenting skills;
- 7                   “(iii) classes on morals or ethics;
- 8                   “(iv) academic classes;
- 9                   “(v) cognitive behavioral treatment;
- 10                  “(vi) mentoring;
- 11                  “(vii) substance abuse treatment;
- 12                  “(viii) vocational training;
- 13                  “(ix) faith-based classes or services;
- 14                  “(x) civic engagement and reinte-  
15                  grative community services;
- 16                  “(xi) a prison job, including through a  
17                  prison work program;
- 18                  “(xii) victim impact classes or other  
19                  restorative justice programs; and
- 20                  “(xiii) trauma counseling and trauma-  
21                  informed support programs.
- 22                  “(2) PRISONER.—The term ‘prisoner’ means a  
23                  person who has been sentenced to a term of impris-  
24                  onment pursuant to a conviction for a Federal crimi-

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

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

8               “(A) as part of the intake process, the risk  
9       that a prisoner will recidivate upon release from  
10       prison;

11              “(B) the recidivism reduction programs  
12       that will best minimize the risk that the pris-  
13       oner will recidivate upon release from prison;  
14       and

15              “(C) the periodic reassessment of risk that  
16       a prisoner will recidivate upon release from  
17       prison, based on factors including indicators of  
18       progress and of regression, that are dynamic  
19       and that can reasonably be expected to change  
20       while in prison.

21              “(4) PRODUCTIVE ACTIVITY.—The term ‘pro-  
22       ductive activity’ means either a group or individual  
23       activity that is designed to allow prisoners deter-  
24       mined as having a minimum or low risk of  
25       recidivating to remain productive and thereby main-

1       tain a minimum or low risk of recidivating, and may  
2       include the delivery of the programs described in  
3       paragraph (1) to other prisoners.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17                   “(C) Private entities that will—

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

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

23                           “(iii) employ prisoners; or

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

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

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

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

21                  (b) PRERELEASE CUSTODY.—

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

24                  (A) in subsection (b)(1)—

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

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

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

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

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

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

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

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

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

12 “(D)(i) has been determined under the  
13 System to be a minimum or low risk to  
14 recidivate pursuant to the last 2 reassessments  
15 of the prisoner; or

16 “(ii) has had a petition to be transferred  
17 to prerelease custody or supervised release ap-  
18 proved by the warden of the prison, after the  
19 warden’s determination that—

20 “(I) the prisoner would not be a dan-  
21 ger to society if transferred to prerelease  
22 custody or supervised release;

23 “(II) the prisoner has made a good  
24 faith effort to lower their recidivism risk

1 through participation in recidivism reduc-  
2 tion programs or productive activities; and

3 “(III) the prisoner is unlikely to  
4 recidivate.

5 “(2) TYPES OF PRERELEASE CUSTODY.—A  
6 prisoner shall be placed in prerelease custody as fol-  
7 lows:

8 “(A) HOME CONFINEMENT.—

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

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

18 “(II) remain in the prisoner’s  
19 residence, except that the prisoner  
20 may leave the prisoner’s home in  
21 order to, subject to the approval of  
22 the Director of the Bureau of Pris-  
23 ons—

24 “(aa) perform a job or job-  
25 related activities, including an

1 apprenticeship, or participate in  
2 job-seeking activities;

3 “(bb) participate in evi-  
4 dence-based recidivism reduction  
5 programming or productive ac-  
6 tivities assigned by the System,  
7 or similar activities;

8 “(cc) perform community  
9 service;

10 “(dd) participate in crime  
11 victim restoration activities;

12 “(ee) receive medical treat-  
13 ment;

14 “(ff) attend religious activi-  
15 ties; or

16 “(gg) participate in other  
17 family-related activities that fa-  
18 cilitate the prisoner’s successful  
19 reentry such as a family funeral,  
20 a family wedding, or to visit a  
21 family member who is seriously  
22 ill; and

23 “(III) comply with such other  
24 conditions as the Director determines  
25 appropriate.

1           “(ii) ALTERNATE MEANS OF MONI-  
2           TORING.—If the electronic monitoring of a  
3           prisoner described in clause (i)(I) is infea-  
4           sible for technical or religious reasons, the  
5           Director of the Bureau of Prisons may use  
6           alternative means of monitoring a prisoner  
7           placed in home confinement that the Direc-  
8           tor determines are as effective or more ef-  
9           fective than the electronic monitoring de-  
10          scribed in clause (i)(I).

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

18          “(iv) DURATION.—Except as provided  
19          in paragraph (4), a prisoner who is placed  
20          in home confinement shall remain in home  
21          confinement until the prisoner has served  
22          not less than 85 percent of the prisoner’s  
23          imposed term of imprisonment.

24          “(B) RESIDENTIAL REENTRY CENTER.—A  
25          prisoner placed in prerelease custody pursuant

1 to this subsection who is placed at a residential  
2 reentry center shall be subject to such condi-  
3 tions as the Director of the Bureau of Prisons  
4 determines appropriate.

5 “(3) SUPERVISED RELEASE.—If the sentencing  
6 court included as a part of the prisoner’s sentence  
7 a requirement that the prisoner be placed on a term  
8 of supervised release after imprisonment pursuant to  
9 section 3583, the Director of the Bureau of Prisons  
10 may transfer the prisoner to begin any such term of  
11 supervised release at an earlier date based on the  
12 application of time credits under section 3632.

13 “(4) DETERMINATION OF CONDITIONS.—In de-  
14 termining appropriate conditions for prisoners  
15 placed in prerelease custody pursuant to this sub-  
16 section, the Director of the Bureau of Prisons shall,  
17 to the extent practicable, provide that increasingly  
18 less restrictive conditions shall be imposed on pris-  
19 oners who demonstrate continued compliance with  
20 the conditions of such prerelease custody, so as to  
21 most effectively prepare such prisoners for reentry.

22 “(5) VIOLATIONS OF CONDITIONS.—If a pris-  
23 oner violates a condition of the prisoner’s prerelease  
24 custody, the Director of the Bureau of Prisons may  
25 impose such additional conditions on the prisoner’s

1       prerelease custody as the Director of the Bureau of  
2       Prisons determines appropriate, or revoke the pris-  
3       oner’s prerelease custody and require the prisoner to  
4       serve the remainder of the term of imprisonment to  
5       which the prisoner was sentenced, or any portion  
6       thereof, in prison.

7               “(6) ISSUANCE OF GUIDELINES.—The Attorney  
8       General, in consultation with the Assistant Director  
9       for the Office of Probation and Pretrial Services,  
10       shall issue guidelines for use by the Bureau of Pris-  
11       ons in determining—

12                   “(A) the appropriate type of prerelease  
13                   custody or supervised release and level of super-  
14                   vision for a prisoner placed on prerelease cus-  
15                   tody pursuant to this subsection; and

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

21               “(7) AGREEMENTS WITH UNITED STATES PRO-  
22       BATION AND PRETRIAL SERVICES.—The Director of  
23       the Bureau of Prisons shall, to the greatest extent  
24       practicable, enter into agreements with United  
25       States Probation and Pretrial Services to supervise

1 prisoners placed in home confinement under this  
2 subsection. Such agreements shall—

3 “(A) authorize United States Probation  
4 and Pretrial Services to exercise the authority  
5 granted to the Director pursuant to paragraphs  
6 (3) and (4); and

7 “(B) take into account the resource re-  
8 quirements of United States Probation and  
9 Pretrial Services as a result of the transfer of  
10 Bureau of Prisons prisoners to prerelease cus-  
11 tody or supervised release.

12 “(8) ASSISTANCE.—United States Probation  
13 and Pretrial Services shall, to the greatest extent  
14 practicable, offer assistance to any prisoner not  
15 under its supervision during prerelease custody  
16 under this subsection.

17 “(9) MENTORING SERVICES.—Any prerelease  
18 custody into which a prisoner is placed under this  
19 subsection may not include a condition prohibiting  
20 the prisoner from receiving mentoring services from  
21 a person who provided such services to the prisoner  
22 while the prisoner was incarcerated, except that the  
23 warden of the facility at which the prisoner was in-  
24 carcerated may waive the requirement under this  
25 paragraph if the warden finds that the provision of

1 such services would pose a significant security risk  
2 to the prisoner, persons who provide such services,  
3 or any other person. The warden shall provide writ-  
4 ten notice of any such waiver to the person providing  
5 mentoring services and to the prisoner.

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

9 “(11) PRERELEASE CUSTODY CAPACITY.—The  
10 Director of the Bureau of Prisons shall ensure there  
11 is sufficient prerelease custody capacity to accommo-  
12 date all eligible prisoners.”.

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

19 (3) APPLICABILITY.—The amendments made  
20 by this subsection shall apply with respect to of-  
21 fenses committed before, on, or after the date of en-  
22 actment of this Act, except that such amendments  
23 shall not apply with respect to offenses committed  
24 before November 1, 1987.

1 **SEC. 103. GAO REPORT.**

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

9 (1) Whether inmates are being assessed under  
10 the risk and needs assessment system with the fre-  
11 quency required under such section 3621 of title 18,  
12 United States Code.

13 (2) Whether the Bureau of Prisons is able to  
14 offer recidivism reduction programs and productive  
15 activities (as such terms are defined in section 3635  
16 of title 18, United States Code, as added by section  
17 101(a) of this Act).

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

23 (4) Whether the Attorney General is carrying  
24 out the duties under section 3631(b) of title 18,  
25 United States Code, as added by section 101(a) of  
26 this Act.

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

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

8           (7) Whether the Bureau of Prisons transfers  
9           prisoners to prerelease custody or supervised release  
10          as soon as they are eligible for such a transfer under  
11          section 3624(g) of title 18, United States Code, as  
12          added by section 102(b) of this Act.

13          (8) The rates of recidivism among similarly  
14          classified prisoners to identify any unwarranted dis-  
15          parities, including disparities among similarly classi-  
16          fied prisoners of different demographic groups, in  
17          such rates.

18 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

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

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

4 (1) to supplement funding for programs that  
5 increase public safety by providing resources to  
6 State and local law enforcement officials, including  
7 for the adoption of innovative technologies and infor-  
8 mation sharing capabilities;

9 (2) into evidence-based recidivism reduction  
10 programs offered by the Bureau of Prisons; and

11 (3) into ensuring eligible prisoners have access  
12 to such programs and productive activities offered  
13 by the Bureau of Prisons.

14 **SEC. 105. RULE OF CONSTRUCTION.**

15 Nothing in this Act, or the amendments made by this  
16 Act, may be construed to provide authority to place a pris-  
17 oner in prerelease custody who is serving a term of impris-  
18 onment pursuant to a conviction for an offense under the  
19 laws of one of the 50 States, or of a territory or possession  
20 of the United States or to amend or affect the enforcement  
21 of the immigration laws, as defined in section 101 of the  
22 Immigration and Nationality Act (8 U.S.C. 1101).

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

24 In considering any program, treatment, regimen,  
25 group, company, charity, person or entity of any kind

1 under any provision of this Act or the amendments made  
2 by this Act, the fact that it may be or is faith-based may  
3 not be a basis for any discrimination against it in any  
4 manner or for any purpose.

5 **SEC. 107. INDEPENDENT REVIEW COMMITTEE.**

6 (a) IN GENERAL.—The Attorney General shall con-  
7 sult with an Independent Review Committee on the devel-  
8 opment of the risk and needs assessment system author-  
9 ized by sections 3632 and 3633 of title 18, United States  
10 Code, as added by section 101(a) of this Act.

11 (b) FORMATION OF INDEPENDENT REVIEW COM-  
12 MITTEE.—The National Institute of Justice shall select a  
13 nonpartisan and nonprofit organization with expertise in  
14 the study and development of risk and needs assessment  
15 tools to host the Independent Review Committee. The  
16 Independent Review Committee shall be established not  
17 later than 30 days after the date of enactment of this Act.

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

22 (d) COMPOSITION OF THE INDEPENDENT REVIEW  
23 COMMITTEE.—The members of the Independent Review  
24 Committee shall all have expertise in risk and needs as-  
25 sessment systems and shall include—

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

4           (2) 2 corrections practitioners who have devel-  
5 oped and implemented a risk assessment tool in a  
6 corrections system or in a community supervision  
7 setting, including 1 with prior experience working  
8 within the Bureau of Prisons; and

9           (3) 1 individual with expertise in assessing risk  
10 assessment implementation.

11       (e) DUTIES OF THE INDEPENDENT REVIEW COM-  
12 MITTEE.—The Independent Review Committee shall assist  
13 the Attorney General in the development of the risk and  
14 needs assessment system pursuant to sections 3632 and  
15 3633 of title 18, United States Code, as added by section  
16 101(a) of this Act, including by assisting in—

17           (1) conducting a review of the existing prisoner  
18 risk and needs assessment systems in operation on  
19 the date of enactment of this Act;

20           (2) developing recommendations regarding evi-  
21 dence-based recidivism reduction programs and pro-  
22 ductive activities;

23           (3) conducting research and data analysis on—

1           (A) evidence-based recidivism reduction  
2           programs relating to the use of prisoner risk  
3           and needs assessment tools;

4           (B) the most effective and efficient uses of  
5           such programs; and

6           (C) which evidence-based recidivism reduc-  
7           tion programs are the most effective at reduc-  
8           ing recidivism, and the type, amount, and inten-  
9           sity of programming that most effectively re-  
10          duces the risk of recidivism; and

11          (4) reviewing and validating the risk and needs  
12          assessment system.

13          (f) BUREAU OF PRISONS COOPERATION.—The Direc-  
14          tor of the Bureau of Prisons shall assist the Independent  
15          Review Committee in performing the Committee’s duties  
16          and promptly respond to requests from the Committee for  
17          access to Bureau of Prisons facilities, personnel, and in-  
18          formation.

19          (g) TERMINATION.—The Independent Review Com-  
20          mittee shall terminate on the date that is 30 days after  
21          the date on which the risk and needs assessment system  
22          authorized by sections 3632 and 3633 of title 18, United  
23          States Code, as added by section 101(a) of this Act, is  
24          released.

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  
6 2018”.

7 **SEC. 202. SECURE FIREARMS STORAGE.**

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

11 **“§ 4050. Secure firearms storage**

12 “(a) DEFINITIONS.—In this section—

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

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

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

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

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

4           “(2) notwithstanding any other provision of  
5           law, allows employees to carry concealed firearms on  
6           the premises outside of the secure perimeter of the  
7           institution.”.

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

          “4050. Secure firearms storage.”.

12       **TITLE        III—RESTRAINTS        ON**  
13       **PREGNANT PRISONERS PRO-**  
14       **HIBITED**

15       **SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE**  
16                               **PERIOD OF PREGNANCY AND POSTPARTUM**  
17                               **RECOVERY PROHIBITED.**

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

21       **“§ 4322. Use of restraints on prisoners during the pe-**  
22                               **riod of pregnancy, labor, and postpartum**  
23                               **recovery prohibited**

24           “(a) PROHIBITION.—Except as provided in sub-  
25          section (b), beginning on the date on which pregnancy is

1 confirmed by a healthcare professional, and ending at the  
2 conclusion of postpartum recovery, a prisoner in the cus-  
3 tody of the Bureau of Prisons, or in the custody of the  
4 United States Marshals Service pursuant to section 4086,  
5 shall not be placed in restraints.

6 “(b) EXCEPTIONS.—

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

9 “(A) an appropriate corrections official, or  
10 a United States marshal, as applicable, makes  
11 a determination that the prisoner—

12 “(i) is an immediate and credible  
13 flight risk that cannot reasonably be pre-  
14 vented by other means; or

15 “(ii) poses an immediate and serious  
16 threat of harm to herself or others that  
17 cannot reasonably be prevented by other  
18 means; or

19 “(B) a healthcare professional responsible  
20 for the health and safety of the prisoner deter-  
21 mines that the use of restraints is appropriate  
22 for the medical safety of the prisoner.

23 “(2) LEAST RESTRICTIVE RESTRAINTS.—In the  
24 case that restraints are used pursuant to an excep-  
25 tion under paragraph (1), only the least restrictive

1 restraints necessary to prevent the harm or risk of  
2 escape described in paragraph (1) may be used.

3 “(3) APPLICATION.—

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

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

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

10 “(iii) to restrain a prisoner using 4-  
11 point restraints; or

12 “(iv) to attach a prisoner to another  
13 prisoner.

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

22 “(c) REPORTS.—

23 “(1) REPORT TO THE DIRECTOR AND  
24 HEALTHCARE PROFESSIONAL.—If a corrections offi-  
25 cial or United States marshal uses restraints on a

1 prisoner under subsection (b)(1), that official or  
2 marshal shall submit, not later than 30 days after  
3 placing the prisoner in restraints, to the Director of  
4 the Bureau of Prisons or the Director of the United  
5 States Marshals Service, as applicable, and to the  
6 healthcare professional responsible for the health  
7 and safety of the prisoner, a written report that de-  
8 scribes the facts and circumstances surrounding the  
9 use of restraints, and includes—

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

12 “(B) the details of the use of restraints,  
13 including the type of restraints used and length  
14 of time during which restraints were used; and

15 “(C) any resulting physical effects on the  
16 prisoner observed by or known to the correc-  
17 tions official or United States marshal, as ap-  
18 plicable.

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

1           “(3) REPORT TO JUDICIARY COMMITTEES.—

2                   “(A) IN GENERAL.—Not later than 1 year  
3 after the date of enactment of this section, and  
4 annually thereafter, the Director of the Bureau  
5 of Prisons and the Director of the United  
6 States Marshals Service shall each submit to  
7 the Judiciary Committee of the Senate and of  
8 the House of Representatives a report that cer-  
9 tifies compliance with this section and includes  
10 the information required to be reported under  
11 paragraph (1).

12                   “(B) PERSONALLY IDENTIFIABLE INFOR-  
13 MATION.—The report under this paragraph  
14 shall not contain any personally identifiable in-  
15 formation of any prisoner.

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

22           “(e) VIOLATION REPORTING PROCESS.—The Direc-  
23 tor of the Bureau of Prisons, in consultation with the Di-  
24 rector of the United States Marshals Service, shall estab-

1 lish a process through which a prisoner may report a viola-  
2 tion of this section.

3 “(f) TRAINING.—

4 “(1) IN GENERAL.—The Director of the Bureau  
5 of Prisons and the Director of the United States  
6 Marshals Service shall each develop training guide-  
7 lines regarding the use of restraints on female pris-  
8 oners during the period of pregnancy, labor, and  
9 postpartum recovery, and shall incorporate such  
10 guidelines into appropriate training programs. Such  
11 training guidelines shall include—

12 “(A) how to identify certain symptoms of  
13 pregnancy that require immediate referral to a  
14 healthcare professional;

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

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

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

23 “(E) the right of a healthcare professional  
24 to request that restraints not be used, and the

1            requirement under subsection (b)(3)(B) to com-  
2            ply with such a request.

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

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

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

15           “(2) PRISONER.—The term ‘prisoner’ means a  
16           person who has been sentenced to a term of impris-  
17           onment pursuant to a conviction for a Federal crimi-  
18           nal offense, or a person in the custody of the Bureau  
19           of Prisons, including a person in a Bureau of Pris-  
20           ons contracted facility.

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

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

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

## 5 **TITLE IV—SENTENCING REFORM**

### 6 **SEC. 401. REDUCE AND RESTRICT ENHANCED SENTENCING** 7 **FOR PRIOR DRUG FELONIES.**

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

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

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

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

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

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

22 “(A) an offense described in section  
 23 3559(c)(2) of title 18, United States Code, for

1           which the offender served a term of imprison-  
2           ment of more than 12 months; and

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

10           (2) in section 401(b)(1) (21 U.S.C.  
11           841(b)(1))—

12           (A) in subparagraph (A), in the matter fol-  
13           lowing clause (viii)—

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

1                   (ii) by striking “after two or more  
2                   prior convictions for a felony drug offense  
3                   have become final, such person shall be  
4                   sentenced to a mandatory term of life im-  
5                   prisonment without release” and inserting  
6                   the following: “after 2 or more prior con-  
7                   victions for a serious drug felony or serious  
8                   violent felony have become final, such per-  
9                   son shall be sentenced to a term of impris-  
10                  onment of not less than 25 years”; and

11                  (B) in subparagraph (B), in the matter  
12                  following clause (viii), by striking “If any per-  
13                  son commits such a violation after a prior con-  
14                  viction for a felony drug offense has become  
15                  final” and inserting the following: “If any per-  
16                  son commits such a violation after a prior con-  
17                  viction for a serious drug felony or serious vio-  
18                  lent felony has become final”.

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

23                  (1) in paragraph (1), in the matter following  
24                  subparagraph (H), by striking “If any person com-  
25                  mits such a violation after a prior conviction for a

1 felony drug offense has become final, such person  
2 shall be sentenced to a term of imprisonment of not  
3 less than 20 years” and inserting “If any person  
4 commits such a violation after a prior conviction for  
5 a serious drug felony or serious violent felony has  
6 become final, such person shall be sentenced to a  
7 term of imprisonment of not less than 15 years”;  
8 and

9 (2) in paragraph (2), in the matter following  
10 subparagraph (H), by striking “felony drug offense”  
11 and inserting “serious drug felony or serious violent  
12 felony”.

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

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

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

21 (1) in subsection (f)—

22 (A) in the matter preceding paragraph

23 (1)—

24 (i) by striking “or section 1010” and  
25 inserting “, section 1010”; and

1 (ii) by inserting “, or section 70503 or  
2 70506 of title 46” after “963”;

3 (B) by striking paragraph (1) and insert-  
4 ing the following:

5 “(1) the defendant does not have—

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

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

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

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

15 “Information disclosed by a defendant under this sub-  
16 section may not be used to enhance the sentence of the  
17 defendant unless the information relates to a violent of-  
18 fense.”; and

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

20 “(g) INADEQUACY OF CRIMINAL HISTORY.—

21 “(1) IN GENERAL.—If subsection (f) does not  
22 apply to a defendant because the defendant does not  
23 meet the requirements described in subsection (f)(1)  
24 (relating to criminal history), the court may, upon  
25 prior notice to the Government, waive subsection

1 (f)(1) if the court specifies in writing the specific  
2 reasons why reliable information indicates that ex-  
3 cluding the defendant pursuant to subsection (f)(1)  
4 substantially overrepresents the seriousness of the  
5 defendant’s criminal history or the likelihood that  
6 the defendant will commit other crimes.

7 “(2) PROHIBITION.—This subsection shall not  
8 apply to any defendant who has been convicted of a  
9 serious drug felony or a serious violent felony, as  
10 those terms are defined in section 102 of the Con-  
11 trolled Substances Act (21 U.S.C. 802).

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

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

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

21 (a) IN GENERAL.—Section 924(c)(1)(C) of title 18,  
22 United States Code, is amended, in the matter preceding  
23 clause (i), by striking “second or subsequent conviction  
24 under this subsection” and inserting “violation of this sub-

1 section that occurs after a prior conviction under this sub-  
2 section has become final”.

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

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

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

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

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

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

9           **TITLE V—MISCELLANEOUS**  
10                   **CRIMINAL JUSTICE**

11 **SEC. 501. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.**

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

14                   (1) by striking “shall designate the place of the  
15           prisoner’s imprisonment.” and inserting “shall des-  
16           ignate the place of the prisoner’s imprisonment, and  
17           shall, subject to bed availability, the prisoner’s secu-  
18           rity designation, the prisoner’s programmatic needs,  
19           the prisoner’s mental and medical health needs, any  
20           request made by the prisoner related to faith-based  
21           needs, recommendations of the sentencing court, and  
22           other security concerns of the Bureau of Prisons,  
23           place the prisoner in a facility as close as practicable  
24           to the prisoner’s primary residence, and to the ex-  
25           tent practicable, in a facility within 500 driving

1 miles of that residence. The Bureau shall, subject to  
2 consideration of the factors described in the pre-  
3 ceding sentence and the prisoner’s preference for  
4 staying at his or her current facility or being trans-  
5 ferred, transfer prisoners to facilities that are closer  
6 to the prisoner’s primary residence even if the pris-  
7 oner is already in a facility within 500 driving miles  
8 of that residence.”; and

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

13 **SEC. 502. HOME CONFINEMENT FOR LOW-RISK PRISONERS.**

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

20 **SEC. 503. FEDERAL PRISONER REENTRY INITIATIVE REAU-**  
21 **THORIZATION; MODIFICATION OF IMPOSED**  
22 **TERM OF IMPRISONMENT.**

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

1 (1) in paragraph (1)—

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

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

8 (C) in subparagraph (B)—

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

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

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

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

22 (3) in paragraph (3)—

23 (A) by striking “at least one Bureau of  
24 Prisons facility” and inserting “Bureau of Pris-  
25 ons facilities”; and

1 (B) by striking “and shall be carried out  
2 during fiscal years 2009 and 2010” and insert-  
3 ing “and shall be carried out during fiscal years  
4 2019 through 2022”;

5 (4) in paragraph (4)—

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

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

12 (5) in paragraph (5)—

13 (A) in subparagraph (A)—

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

16 (ii) in clause (ii)—

17 (I) by striking “the greater of 10  
18 years or”; and

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

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

22 “(D) ELIGIBLE TERMINALLY ILL OF-  
23 FENDER.—The term ‘eligible terminally ill of-  
24 fender’ means an offender in the custody of the  
25 Bureau of Prisons who—

1           “(i) is serving a term of imprisonment  
2 based on conviction for an offense or of-  
3 fenses that do not include any crime of vio-  
4 lence (as defined in section 16(a) of title  
5 18, United States Code), sex offense (as  
6 defined in section 111(5) of the Sex Of-  
7 fender Registration and Notification Act  
8 (34 U.S.C. 20911(5))), offense described  
9 in section 2332b(g)(5)(B) of title 18,  
10 United States Code, or offense under chap-  
11 ter 37 of title 18, United States Code;

12           “(ii) satisfies the criteria specified in  
13 clauses (iii) through (vii) of subparagraph  
14 (A); and

15           “(iii) has been determined by a med-  
16 ical doctor approved by the Bureau of  
17 Prisons to be—

18           “(I) in need of care at a nursing  
19 home, intermediate care facility, or  
20 assisted living facility, as those terms  
21 are defined in section 232 of the Na-  
22 tional Housing Act (12 U.S.C.  
23 1715w); or

24           “(II) diagnosed with a terminal  
25 illness.”.

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

4 (1) in subsection (c)(1)(A), in the matter pre-  
5 ceding clause (i), by inserting after “Bureau of Pris-  
6 ons,” the following: “or upon motion of the defend-  
7 ant after the defendant has fully exhausted all ad-  
8 ministrative rights to appeal a failure of the Bureau  
9 of Prisons to bring a motion on the defendant’s be-  
10 half or the lapse of 30 days from the receipt of such  
11 a request by the warden of the defendant’s facility,  
12 whichever is earlier,”;

13 (2) by redesignating subsection (d) as sub-  
14 section (e); and

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

17 “(d) NOTIFICATION REQUIREMENTS.—

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

21 “(2) NOTIFICATION.—The Bureau of Prisons  
22 shall, subject to any applicable confidentiality re-  
23 quirements—

24 “(A) in the case of a defendant diagnosed  
25 with a terminal illness—

1           “(i) not later than 72 hours after the  
2           diagnosis notify the defendant’s attorney,  
3           partner, and family members of the de-  
4           fendant’s condition and inform the defend-  
5           ant’s attorney, partner, and family mem-  
6           bers that they may prepare and submit on  
7           the defendant’s behalf a request for a sen-  
8           tence reduction pursuant to subsection  
9           (c)(1)(A);

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

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

22           “(iv) not later than 14 days of receipt  
23           of a request for a sentence reduction sub-  
24           mitted on the defendant’s behalf by the de-  
25           fendant or the defendant’s attorney, part-

1           ner, or family member, process the re-  
2           quest;

3           “(B) in the case of a defendant who is  
4           physically or mentally unable to submit a re-  
5           quest for a sentence reduction pursuant to sub-  
6           section (c)(1)(A)—

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

12                   “(ii) accept and process a request for  
13                   sentence reduction that has been prepared  
14                   and submitted on the defendant’s behalf by  
15                   the defendant’s attorney, partner, or fam-  
16                   ily member under clause (i); and

17                   “(iii) upon request from the defendant  
18                   or his attorney, partner, or family member,  
19                   ensure that Bureau of Prisons employees  
20                   assist the defendant in the preparation,  
21                   drafting, and submission of a request for a  
22                   sentence reduction pursuant to subsection  
23                   (c)(1)(A); and

24                   “(C) ensure that all Bureau of Prisons fa-  
25                   cilities regularly and visibly post, including in

1 prisoner handbooks, staff training materials,  
2 and facility law libraries and medical and hos-  
3 pice facilities, and make available to prisoners  
4 upon demand, notice of—

5 “(i) a defendant’s ability to request a  
6 sentence reduction pursuant to subsection  
7 (c)(1)(A);

8 “(ii) the procedures and timelines for  
9 initiating and resolving requests described  
10 in clause (i); and

11 “(iii) the right to appeal a denial of a  
12 request described in clause (i) after all ad-  
13 ministrative rights to appeal within the  
14 Bureau of Prisons have been exhausted.

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

24 “(A) the number of prisoners granted and  
25 denied sentence reductions, categorized by the

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

3 “(B) the number of requests initiated by  
4 or on behalf of prisoners, categorized by the cri-  
5 teria relied on as the grounds for a reduction  
6 in sentence;

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

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

19 “(E) the number of requests approved by  
20 the Director of the Bureau of Prisons, cat-  
21 egorized by the criteria relied on as the grounds  
22 for a reduction in sentence;

23 “(F) the number of requests denied by the  
24 Director of the Bureau of Prisons and the rea-  
25 sons given for each denial, categorized by the

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

3 “(G) for each request, the time elapsed be-  
4 tween the date the request was received by the  
5 warden and the final decision, categorized by  
6 the criteria relied on as the grounds for a re-  
7 duction in sentence;

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

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

22 “(J) the number of visits to terminally ill  
23 prisoners that were denied by the Bureau of  
24 Prisons due to security or other concerns, and  
25 the reasons given for each denial; and

1           “(K) the number of motions filed by de-  
2           fendants with the court after all administrative  
3           rights to appeal a denial of a sentence reduction  
4           had been exhausted, the outcome of each mo-  
5           tion, and the time that had elapsed between the  
6           date the request was first received by the Bu-  
7           reau of Prisons and the date the defendant filed  
8           the motion with the court.”.

9   **SEC. 504. IDENTIFICATION FOR RETURNING CITIZENS.**

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

13       (1) in paragraph (1)—

14           (A) by striking “(including” and inserting  
15           “prior to release from a term of imprisonment  
16           in a Federal prison or if the individual was not  
17           sentenced to a term of imprisonment in a Fed-  
18           eral prison, prior to release from a sentence to  
19           a term in community confinement, including”;  
20           and

21           (B) by striking “or birth certificate) prior  
22           to release” and inserting “and a birth certifi-  
23           cate”; and

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

1           “(4) DEFINITION.—In this subsection, the term  
2           ‘community confinement’ means residence in a com-  
3           munity treatment center, halfway house, restitution  
4           center, mental health facility, alcohol or drug reha-  
5           bilitation center, or other community facility.”.

6           (b) DUTIES OF THE BUREAU OF PRISONS.—Section  
7           4042(a) of title 18, United States Code, is amended—

8                   (1) by redesignating paragraphs (D) and (E) as  
9           paragraphs (6) and (7), respectively;

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

11                           (A) in clause (i)—

12                                   (i) by striking “Social Security  
13                                   Cards,”; and

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

15                           (B) by redesignating clause (ii) as clause  
16           (iii);

17                           (C) by inserting after clause (i) the fol-  
18           lowing:

19                                   “(ii) obtain identification, including a  
20                                   social security card, driver’s license or  
21                                   other official photo identification, and a  
22                                   birth certificate; and”;

23                           (D) in clause (iii) (as so redesignated), by  
24           inserting after “prior to release” the following:

25                           “from a sentence to a term of imprisonment in

1 a Federal prison or if the individual was not  
2 sentenced to a term of imprisonment in a Fed-  
3 eral prison, prior to release from a sentence to  
4 a term of community confinement”; and

5 (E) by redesignating clauses (i), (ii), and  
6 (iii) (as so amended) as subparagraphs (A),  
7 (B), and (C), respectively, and adjusting the  
8 margins accordingly; and

9 (3) in paragraph (7) (as so redesignated), by  
10 redesignating clauses (i) through (vii) as subpara-  
11 graphs (A) through (G), respectively, and adjusting  
12 the margins accordingly.

13 **SEC. 505. EXPANDING INMATE EMPLOYMENT THROUGH**  
14 **FEDERAL PRISON INDUSTRIES.**

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

18 **“§ 4130. Additional markets**

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

22 “(1) public entities for use in penal or correc-  
23 tional institutions;

24 “(2) public entities for use in disaster relief or  
25 emergency response;

1           “(3) the government of the District of Colum-  
2           bia; and

3           “(4) any organization described in subsection  
4           (c)(3), (c)(4), or (d) of section 501 of the Internal  
5           Revenue Code of 1986 that is exempt from taxation  
6           under section 501(a) of such Code.

7           “(b) OFFICE FURNITURE.—Federal Prison Indus-  
8           tries may not sell office furniture to the organizations de-  
9           scribed in subsection (a)(4).

10          “(c) DEFINITIONS.—In this section:

11           “(1) The term ‘office furniture’ means any  
12           product or service offering intended to meet the fur-  
13           nishing needs of the workplace, including office,  
14           healthcare, educational, and hospitality environ-  
15           ments.

16           “(2) The term ‘public entity’ means a State, a  
17           subdivision of a State, an Indian tribe, and an agen-  
18           cy or governmental corporation or business of any of  
19           the foregoing.

20           “(3) The term ‘State’ means a State, the Dis-  
21           trict of Columbia, the Commonwealth of Puerto  
22           Rico, Guam, American Samoa, the Northern Mar-  
23           iana Islands, and the United States Virgin Islands.”.

24           (b) TECHNICAL AMENDMENT.—The table of sections  
25           for chapter 307 of title 18, United States Code, is amend-

1 ed by inserting after the item relating to section 4129 the  
2 following:

“4130. Additional markets.”.

3 (c) DEFERRED COMPENSATION.—Section 4126(c)(4)  
4 of title 18, United States Code, is amended by inserting  
5 after “operations,” the following: “not less than 15 per-  
6 cent of such compensation for any inmate shall be reserved  
7 in the fund or a separate account and made available to  
8 assist the inmate with costs associated with release from  
9 prison,”.

10 (d) GAO REPORT.—Beginning not later than 90 days  
11 after the date of enactment of this Act, the Comptroller  
12 General of the United States shall conduct an audit of  
13 Federal Prison Industries that includes the following:

14 (1) An evaluation of Federal Prison Industries’s  
15 effectiveness in reducing recidivism compared to  
16 other rehabilitative programs in the prison system.

17 (2) An evaluation of the scope and size of the  
18 additional markets made available to Federal Prison  
19 Industries under this section and the total market  
20 value that would be opened up to Federal Prison In-  
21 dustries for competition with private sector providers  
22 of products and services.

23 (3) An evaluation of whether the following fac-  
24 tors create an unfair competitive environment be-  
25 tween Federal Prison Industries and private sector

1 providers of products and services which would be  
2 exacerbated by further expansion:

3 (A) Federal Prison Industries's status as a  
4 mandatory source of supply for Federal agen-  
5 cies and the requirement that the buying agen-  
6 cy must obtain a waiver in order to make a  
7 competitive purchase from the private sector if  
8 the item to be acquired is listed on the schedule  
9 of products and services published by Federal  
10 Prison Industries.

11 (B) Federal Prison Industries's ability to  
12 determine that the price to be paid by Federal  
13 Agencies is fair and reasonable, rather than  
14 such a determination being made by the buying  
15 agency.

16 (C) An examination of the extent to which  
17 Federal Prison Industries is bound by the re-  
18 quirements of the generally applicable Federal  
19 Acquisition Regulation pertaining to the con-  
20 formity of the delivered product with the speci-  
21 fied design and performance specifications and  
22 adherence to the delivery schedule required by  
23 the Federal agency, based on the transactions  
24 being categorized as interagency transfers.

1           (D) An examination of the extent to which  
2 Federal Prison Industries avoids transactions  
3 that are little more than pass through trans-  
4 actions where the work provided by inmates  
5 does not create meaningful value or meaningful  
6 work opportunities for inmates.

7           (E) The extent to which Federal Prison  
8 Industries must comply with the same worker  
9 protection, workplace safety and similar regula-  
10 tions applicable to, and enforceable against,  
11 Federal contractors.

12           (F) The wages Federal Prison Industries  
13 pays to inmates, taking into account inmate  
14 productivity and other factors such as security  
15 concerns associated with having a facility in a  
16 prison.

17           (G) The effect of any additional cost ad-  
18 vantages Federal Prison Industries has over  
19 private sector providers of goods and services,  
20 including—

21               (i) the costs absorbed by the Bureau  
22 of Prisons such as inmate medical care and  
23 infrastructure expenses including real es-  
24 tate and utilities; and

1 (ii) its exemption from Federal and  
2 State income taxes and property taxes.

3 (4) An evaluation of the extent to which the  
4 customers of Federal Prison Industries are satisfied  
5 with quality, price, and timely delivery of the prod-  
6 ucts and services provided it provides, including  
7 summaries of other independent assessments such as  
8 reports of agency inspectors general, if applicable.

9 **SEC. 506. DE-ESCALATION TRAINING.**

10 Beginning not later than 1 year after the date of en-  
11 actment of this Act, the Director of the Bureau of Prisons  
12 shall incorporate into training programs provided to offi-  
13 cers and employees of the Bureau of Prisons (including  
14 officers and employees of an organization with which the  
15 Bureau of Prisons has a contract to provide services relat-  
16 ing to imprisonment) specialized and comprehensive train-  
17 ing in procedures to—

18 (1) de-escalate encounters between a law en-  
19 forcement officer or an officer or employee of the  
20 Bureau of Prisons, and a civilian or a prisoner (as  
21 such term is defined in section 3635 of title 18,  
22 United States Code, as added by section 101(a) of  
23 this Act); and

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

4 **SEC. 507. EVIDENCE-BASED TREATMENT FOR OPIOID AND**  
5 **HEROIN ABUSE.**

6           (a) REPORT ON EVIDENCE-BASED TREATMENT FOR  
7 OPIOID AND HEROIN ABUSE.—Not later than 90 days  
8 after the date of enactment of this Act, the Director of  
9 the Bureau of Prisons shall submit to the Committees on  
10 the Judiciary and the Committees on Appropriations of  
11 the Senate and of the House of Representatives a report  
12 assessing the availability of and the capacity of the Bureau  
13 of Prisons to treat heroin and opioid abuse through evi-  
14 dence-based programs, including medication-assisted  
15 treatment where appropriate. In preparing the report, the  
16 Director shall consider medication-assisted treatment as  
17 a strategy to assist in treatment where appropriate and  
18 not as a replacement for holistic and other drug-free ap-  
19 proaches. The report shall include a description of plans  
20 to expand access to evidence-based treatment for heroin  
21 and opioid abuse for prisoners, including access to medica-  
22 tion-assisted treatment in appropriate cases. Following  
23 submission, the Director shall take steps to implement  
24 these plans.

1 (b) REPORT ON THE AVAILABILITY OF MEDICATION-  
2 ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,  
3 AND IMPLEMENTATION THEREOF.—Not later than 120  
4 days after the date of enactment of this Act, the Director  
5 of the Administrative Office of the United States Courts  
6 shall submit to the Committees on the Judiciary and the  
7 Committees on Appropriations of the Senate and of the  
8 House of Representatives a report assessing the avail-  
9 ability of and capacity for the provision of medication-as-  
10 sisted treatment for opioid and heroin abuse by treatment  
11 service providers serving prisoners who are serving a term  
12 of supervised release, and including a description of plans  
13 to expand access to medication-assisted treatment for her-  
14 oin and opioid abuse whenever appropriate among pris-  
15 oners under supervised release. Following submission, the  
16 Director will take steps to implement these plans.

17 **SEC. 508. PILOT PROGRAMS.**

18 (a) IN GENERAL.—The Bureau of Prisons shall es-  
19 tablish each of the following pilot programs for 5 years,  
20 in at least 20 facilities:

21 (1) MENTORSHIP FOR YOUTH.—A program to  
22 pair youth with volunteers from faith-based or com-  
23 munity organizations, which may include formerly  
24 incarcerated offenders, that have relevant experience

1 or expertise in mentoring, and a willingness to serve  
2 as a mentor in such a capacity.

3 (2) SERVICE TO ABANDONED, RESCUED, OR  
4 OTHERWISE VULNERABLE ANIMALS.—A program to  
5 equip prisoners with the skills to provide training  
6 and therapy to animals seized by Federal law en-  
7 forcement under asset forfeiture authority and to or-  
8 ganizations that provide shelter and similar services  
9 to abandoned, rescued, or otherwise vulnerable ani-  
10 mals.

11 (b) REPORTING REQUIREMENT.—Not later than 1  
12 year after the conclusion of the pilot programs, the Attor-  
13 ney General shall report to Congress on the results of the  
14 pilot programs under this section. Such report shall in-  
15 clude cost savings, numbers of participants, and informa-  
16 tion about recidivism rates among participants.

17 (c) DEFINITION.—In this title, the term “youth”  
18 means a prisoner (as such term is defined in section 3635  
19 of title 18, United States Code, as added by section 101(a)  
20 of this Act) who was 21 years of age or younger at the  
21 time of the commission or alleged commission of the crimi-  
22 nal offense for which the individual is being prosecuted  
23 or serving a term of imprisonment, as the case may be.

1 **SEC. 509. ENSURING SUPERVISION OF RELEASED SEXU-**  
2 **ALLY DANGEROUS PERSONS.**

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

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

10 **SEC. 510. DATA COLLECTION.**

11 (a) NATIONAL PRISONER STATISTICS PROGRAM.—  
12 Beginning not later than 1 year after the date of enact-  
13 ment of this Act, and annually thereafter, pursuant to the  
14 authority under section 302 of the Omnibus Crime Control  
15 and Safe Streets Act of 1968 (42 U.S.C. 3732), the Direc-  
16 tor of the Bureau of Justice Statistics, with information  
17 that shall be provided by the Director of the Bureau of  
18 Prisons, shall include in the National Prisoner Statistics  
19 Program the following:

20 (1) The number of prisoners (as such term is  
21 defined in section 3635 of title 18, United States  
22 Code, as added by section 101(a) of this Act) who  
23 are veterans of the Armed Forces of the United  
24 States.

1           (2) The number of prisoners who have been  
2 placed in solitary confinement at any time during  
3 the previous year.

4           (3) The number of female prisoners known by  
5 the Bureau of Prisons to be pregnant, as well as the  
6 outcomes of such pregnancies, including information  
7 on pregnancies that result in live birth, stillbirth,  
8 miscarriage, abortion, ectopic pregnancy, maternal  
9 death, neonatal death, and preterm birth.

10          (4) The number of prisoners who volunteered to  
11 participate in a substance abuse treatment program,  
12 and the number of prisoners who have participated  
13 in such a program.

14          (5) The number of prisoners provided medica-  
15 tion-assisted treatment with medication approved by  
16 the Food and Drug Administration while in custody  
17 in order to treat substance use disorder.

18          (6) The number of prisoners who were receiving  
19 medication-assisted treatment with medication ap-  
20 proved by the Food and Drug Administration prior  
21 to the commencement of their term of imprisonment.

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

24          (8) The number of prisoners who are single,  
25 married, or otherwise in a committed relationship.

1           (9) The number of prisoners who have not  
2 achieved a GED, high school diploma, or equivalent  
3 prior to entering prison.

4           (10) The number of prisoners who, during the  
5 previous year, received their GED or other equivalent  
6 certificate while incarcerated.

7           (11) The numbers of prisoners for whom  
8 English is a second language.

9           (12) The number of incidents, during the previous  
10 year, in which restraints were used on a female  
11 prisoner during pregnancy, labor, or postpartum recovery,  
12 as well as information relating to the type of  
13 restraints used, and the circumstances under which  
14 each incident occurred.

15           (13) The vacancy rate for medical and  
16 healthcare staff positions, and average length of  
17 such a vacancy.

18           (14) The number of facilities that operated, at  
19 any time during the previous year, without at least  
20 1 clinical nurse, certified paramedic, or licensed physician  
21 on site.

22           (15) The number of facilities that during the  
23 previous year were accredited by the American Correctional  
24 Association.

1           (16) The number and type of recidivism reduc-  
2           tion partnerships described in section 3621(h)(5) of  
3           title 18, United States Code, as added by section  
4           102(a) of this Act, entered into by each facility.

5           (17) The number of facilities with remote learn-  
6           ing capabilities.

7           (18) The number of facilities that offer pris-  
8           oners video conferencing.

9           (19) Any changes in costs related to legal phone  
10          calls and visits following implementation of section  
11          3632(d)(1) of title 18, United States Code, as added  
12          by section 101(a) of this Act.

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

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

21          (22) The number of assaults on Bureau of Pris-  
22          ons staff by prisoners and the number of criminal  
23          prosecutions of prisoners for assaulting Bureau of  
24          Prisons staff.

1           (23) The capacity of each recidivism reduction  
2           program and productive activity to accommodate eli-  
3           gible inmates at each Bureau of Prisons facility.

4           (24) The number of volunteers who were cer-  
5           tified to volunteer in a Bureau of Prisons facility,  
6           broken down by level (level I and level II), and by  
7           each Bureau 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, in-  
16          cluding age, sex, race, and the length of the sentence  
17          imposed.

18          (b) REPORT TO JUDICIARY COMMITTEES.—Begin-  
19          ning not later than 1 year after the date of enactment  
20          of this Act, and annually thereafter for a period of 7 years,  
21          the Director of the Bureau of Justice Statistics shall sub-  
22          mit a report containing the information described in para-  
23          graphs (1) through (26) of subsection (a) to the Com-  
24          mittee on the Judiciary of the Senate and the Committee  
25          on the Judiciary of the House of Representatives.

1 **SEC. 511. HEALTHCARE PRODUCTS.**

2 (a) AVAILABILITY.—The Director of the Bureau of  
3 Prisons shall make the healthcare products described in  
4 subsection (c) available to prisoners for free, in a quantity  
5 that is appropriate to the healthcare needs of each pris-  
6 oner.

7 (b) QUALITY PRODUCTS.—The Director shall ensure  
8 that the healthcare products provided under this section  
9 conform with applicable industry standards.

10 (c) PRODUCTS.—The healthcare products described  
11 in this subsection are tampons and sanitary napkins.

12 **SEC. 512. ADULT AND JUVENILE COLLABORATION PRO-**  
13 **GRAMS.**

14 Section 2991 of title I of the Omnibus Crime Control  
15 and Safe Streets Act of 1968 (34 U.S.C. 10651) is amend-  
16 ed—

17 (1) in subsection (b)(4)—

18 (A) by striking subparagraph (D); and

19 (B) by redesignating subparagraph (E) as  
20 subparagraph (D);

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

24 (3) by amending subsection (g) to read as fol-  
25 lows:

1       “(g) COLLABORATION SET-ASIDE.—The Attorney  
 2 General shall use not less than 8 percent of funds appro-  
 3 priated to provide technical assistance to State and local  
 4 governments receiving grants under this part to foster col-  
 5 laboration between such governments in furtherance of the  
 6 purposes set forth in section 3 of the Mentally Ill Offender  
 7 Treatment and Crime Reduction Act of 2004 (34 U.S.C.  
 8 10651 note).”.

9 **SEC. 513. JUVENILE SOLITARY CONFINEMENT.**

10       (a) IN GENERAL.—Chapter 403 of title 18, United  
 11 States Code, is amended by adding at the end the fol-  
 12 lowing:

13 **“§ 5043. Juvenile solitary confinement**

14       “(a) DEFINITIONS.—In this section—

15               “(1) the term ‘covered juvenile’ means—

16                       “(A) a juvenile who—

17                               “(i) is being proceeded against under  
 18 this chapter for an alleged act of juvenile  
 19 delinquency; or

20                               “(ii) has been adjudicated delinquent  
 21 under this chapter; or

22                       “(B) a juvenile who is being proceeded  
 23 against as an adult in a district court of the  
 24 United States for an alleged criminal offense;

1           “(2) the term ‘juvenile facility’ means any facil-  
2           ity where covered juveniles are—

3                   “(A) committed pursuant to an adjudica-  
4                   tion of delinquency under this chapter; or

5                   “(B) detained prior to disposition or con-  
6                   viction; and

7           “(3) the term ‘room confinement’ means the in-  
8           voluntary placement of a covered juvenile alone in a  
9           cell, room, or other area for any reason.

10          “(b) PROHIBITION ON ROOM CONFINEMENT IN JU-  
11          VENILE FACILITIES.—

12                   “(1) IN GENERAL.—The use of room confine-  
13                   ment at a juvenile facility for discipline, punishment,  
14                   retaliation, or any reason other than as a temporary  
15                   response to a covered juvenile’s behavior that poses  
16                   a serious and immediate risk of physical harm to  
17                   any individual, including the covered juvenile, is pro-  
18                   hibited.

19                   “(2) JUVENILES POSING RISK OF HARM.—

20                           “(A) REQUIREMENT TO USE LEAST RE-  
21                           STRICTIVE TECHNIQUES.—

22                                   “(i) IN GENERAL.—Before a staff  
23                                   member of a juvenile facility places a cov-  
24                                   ered juvenile in room confinement, the

1 staff member shall attempt to use less re-  
2 strictive techniques, including—

3 “(I) talking with the covered ju-  
4 venile in an attempt to de-escalate the  
5 situation; and

6 “(II) permitting a qualified men-  
7 tal health professional to talk to the  
8 covered juvenile.

9 “(ii) EXPLANATION.—If, after at-  
10 tempting to use less restrictive techniques  
11 as required under clause (i), a staff mem-  
12 ber of a juvenile facility decides to place a  
13 covered juvenile in room confinement, the  
14 staff member shall first—

15 “(I) explain to the covered juve-  
16 nile the reasons for the room confine-  
17 ment; and

18 “(II) inform the covered juvenile  
19 that release from room confinement  
20 will occur—

21 “(aa) immediately when the  
22 covered juvenile regains self-con-  
23 trol, as described in subpara-  
24 graph (B)(i); or

1                   “(bb) not later than after  
2                   the expiration of the time period  
3                   described in subclause (I) or (II)  
4                   of subparagraph (B)(ii), as appli-  
5                   cable.

6                   “(B) MAXIMUM PERIOD OF CONFINE-  
7                   MENT.—If a covered juvenile is placed in room  
8                   confinement because the covered juvenile poses  
9                   a serious and immediate risk of physical harm  
10                  to himself or herself, or to others, the covered  
11                  juvenile shall be released—

12                  “(i) immediately when the covered ju-  
13                  venile has sufficiently gained control so as  
14                  to no longer engage in behavior that  
15                  threatens serious and immediate risk of  
16                  physical harm to himself or herself, or to  
17                  others; or

18                  “(ii) if a covered juvenile does not suf-  
19                  ficiently gain control as described in clause  
20                  (i), not later than—

21                  “(I) 3 hours after being placed in  
22                  room confinement, in the case of a  
23                  covered juvenile who poses a serious  
24                  and immediate risk of physical harm  
25                  to others; or

1                   “(II) 30 minutes after being  
2                   placed in room confinement, in the  
3                   case of a covered juvenile who poses a  
4                   serious and immediate risk of physical  
5                   harm only to himself or herself.

6                   “(C) RISK OF HARM AFTER MAXIMUM PE-  
7                   RIOD OF CONFINEMENT.—If, after the applica-  
8                   ble maximum period of confinement under sub-  
9                   clause (I) or (II) of subparagraph (B)(ii) has  
10                  expired, a covered juvenile continues to pose a  
11                  serious and immediate risk of physical harm de-  
12                  scribed in that subclause—

13                   “(i) the covered juvenile shall be  
14                   transferred to another juvenile facility or  
15                   internal location where services can be pro-  
16                   vided to the covered juvenile without rely-  
17                   ing on room confinement; or

18                   “(ii) if a qualified mental health pro-  
19                   fessional believes the level of crisis service  
20                   needed is not currently available, a staff  
21                   member of the juvenile facility shall ini-  
22                   tiate a referral to a location that can meet  
23                   the needs of the covered juvenile.

24                   “(D) SPIRIT AND PURPOSE.—The use of  
25                   consecutive periods of room confinement to

1           evade the spirit and purpose of this subsection  
2           shall be prohibited.”.

3           (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for chapter 403 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

“5043. Juvenile solitary confinement.”.

Calendar No. 674

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION  
**S. 3649**

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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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NOVEMBER 26, 2018

Read the second time and placed on the calendar