

115TH CONGRESS
2D SESSION

H. R. 5682

IN THE SENATE OF THE UNITED STATES

MAY 23, 2018

Received

AN ACT

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Formerly Incarcerated Reenter Society Transformed
 4 Safely Transitioning Every Person Act” or the “FIRST
 5 STEP Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM REDUCTION

Sec. 101. Risk and needs assessment system.

Sec. 102. Implementation of system and recommendations by Bureau of Prisons.

Sec. 103. GAO Report.

Sec. 104. Authorization of appropriations.

Sec. 105. Rule of construction.

Sec. 106. Faith-based considerations.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

Sec. 201. Short title.

Sec. 202. Secure firearms storage.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

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

TITLE IV—MISCELLANEOUS CRIMINAL JUSTICE

Sec. 401. Placement of prisoners close to families.

Sec. 402. Home confinement for low risk prisoners.

Sec. 403. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.

Sec. 404. Identification for returning citizens.

Sec. 405. Expanding inmate employment through Federal prison industries.

Sec. 406. De-escalation training.

Sec. 407. Evidence-based treatment for opioid and heroin abuse.

Sec. 408. Pilot programs.

Sec. 409. Ensuring supervision of released sexually dangerous persons.

Sec. 410. Data collection.

Sec. 411. Healthcare products.

Sec. 412. Prison rape elimination standards auditors.

Sec. 413. Adult and juvenile collaboration programs.

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 the enactment of the FIRST STEP Act;

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

7 “(3) conduct ongoing research and data 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 the enactment of this subchapter;

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

10 “(C) an evaluation to ensure that the risk
11 and needs assessment system bases the 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 the enactment of the FIRST STEP Act, the
10 Attorney General shall develop and release a risk and
11 needs assessment system (referred to in this subchapter
12 as the ‘System’), which shall be used to—

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

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

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

1 “(4) reassess the recidivism risk of each pris-
2 oner periodically and reassign the prisoner to appro-
3 priate evidence-based recidivism reduction programs
4 or productive activities based on the revised deter-
5 mination to ensure that—

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

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

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

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

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

20 In carrying out this subsection, the Attorney General may
21 use existing risk and needs assessment tools, as appro-
22 priate.

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

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

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

6 “(2) information on the best ways that the Bu-
7 reau of Prisons can tailor the programs to the spe-
8 cific criminogenic needs of each prisoner so as to
9 most effectively lower each prisoner’s risk of recidi-
10 vism.

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

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

23 “(1) PHONE AND VISITATION PRIVILEGES.—A
24 prisoner who is successfully participating in an evi-

1 dence-based recidivism reduction program shall re-
2 ceive—

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

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

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

16 “(A) bed availability at the transfer facil-
17 ity;

18 “(B) the prisoner’s security designation;
19 and

20 “(C) the recommendation from the warden
21 of the prison at which the prisoner is incarcerated
22 at the time of making the request.

23 “(3) ADDITIONAL POLICIES.—The Director of
24 the Bureau of Prisons shall develop additional poli-
25 cies to provide appropriate incentives for successful

1 participation and completion of evidence-based re-
2 cidivism reduction programming. Such incentives
3 shall include not less than two of the following:

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

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

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

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

14 “(4) TIME CREDITS.—

15 “(A) IN GENERAL.—A prisoner, except for
16 an ineligible prisoner under subparagraph (D),
17 who successfully completes evidence-based re-
18 cidivism reduction programming or productive
19 activities, shall earn time credits as follows:

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

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

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

14 “(i) prior to the date of the enactment
15 of this Act;

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

19 “(iii) if that prisoner is an inadmis-
20 sible or deportable alien under the immi-
21 gration laws (as such term is defined in
22 section 101 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1101)).

24 “(C) APPLICATION OF TIME CREDITS TO-
25 WARD PRE-RELEASE CUSTODY.—Time credits

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

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

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

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

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

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

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

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

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

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

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

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

11 “(xi) Section 924(e), relating to un-
12 lawful possession of a firearm by a person
13 with three or more convictions for a violent
14 felony.

15 “(xii) Section 1030(a)(1), relating to
16 fraud and related activity in connection
17 with computers.

18 “(xiii) Any section of chapter 51, re-
19 lating to homicide, except for section 1112
20 (relating to manslaughter), 1113 (relating
21 to attempt to commit murder or man-
22 slaughter, but only if the conviction was
23 for an attempt to commit manslaughter),
24 1115 (relating to misconduct or neglect of
25 ship officers), or 1122 (relating to protec-

1 tion against the human immunodeficiency
2 virus).

3 “(xiv) Any section of chapter 55, re-
4 lating to kidnapping.

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

9 “(xvi) Section 1751, relating to Presi-
10 dential and Presidential staff assassina-
11 tion, kidnapping, and assault.

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

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

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

22 “(xx) Section 2118(c)(2), relating to
23 robberies and burglaries involving con-
24 trolled substances resulting in death.

1 “(xxi) Section 2119(3), relating to
2 taking a motor vehicle (commonly referred
3 to as ‘carjacking’) that results in death.

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

6 “(xxiii) Any section of chapter 109A,
7 relating to sexual abuse, except that with
8 regard to section 2244, only a conviction
9 under subsection (c) of that section (relat-
10 ing to abusive sexual contact involving
11 young children) shall make a prisoner in-
12 eligible under this subparagraph.

13 “(xxiv) Section 2251, relating to the
14 sexual exploitation of children.

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

17 “(xxvi) Any of paragraphs (1)
18 through (3) of section 2252(a), relating to
19 certain activities relating to material in-
20 volving the sexual exploitation of minors.

21 “(xxvii) A second or subsequent con-
22 viction under any of paragraphs (1)
23 through (6) of section 2252A(a), relating
24 to certain activities relating to material

1 constituting or containing child pornog-
2 raphy.

3 “(xxviii) Section 2260, relating to the
4 production of sexually explicit depictions of
5 a minor for importation into the United
6 States.

7 “(xxix) Section 2283, relating to the
8 transportation of explosive, biological,
9 chemical, or radioactive or nuclear mate-
10 rials.

11 “(xxx) Section 2284, relating to the
12 transportation of terrorists.

13 “(xxxi) Section 2291, relating to the
14 destruction of a vessel or maritime facility,
15 but only if the conduct which led to the
16 conviction involved a substantial risk of
17 death or serious bodily injury.

18 “(xxxii) Any section of chapter 113B,
19 relating to terrorism.

20 “(xxxiii) Section 2340A, relating to
21 torture.

22 “(xxxiv) Section 2381, relating to
23 treason.

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

1 “(xxxvi) Section 57(b) of the Atomic
2 Energy Act of 1954 (42 U.S.C. 2077(b)),
3 relating to the engagement or participation
4 in the development or production of special
5 nuclear material.

6 “(xxxvii) Section 92 of the Atomic
7 Energy Act of 1954 (42 U.S.C. 2122), re-
8 lating to prohibitions governing atomic
9 weapons.

10 “(xxxviii) Section 101 of the Atomic
11 Energy Act of 1954 (42 U.S.C. 2131), re-
12 lating to the atomic energy license require-
13 ment.

14 “(xxxix) Section 224 or 225 of the
15 Atomic Energy Act of 1954 (42 U.S.C.
16 2274, 2275), relating to the communica-
17 tion or receipt of restricted data.

18 “(xl) Section 236 of the Atomic En-
19 ergy Act of 1954 (42 U.S.C. 2284), relat-
20 ing to the sabotage of nuclear facilities or
21 fuel.

22 “(xli) Section 60123(b) of title 49,
23 United States Code, relating to damaging
24 or destroying a pipeline facility, but only if
25 the conduct which led to the conviction in-

1 involved a substantial risk of death or seri-
2 ous bodily injury.

3 “(xlii) Section 401(a) of the Con-
4 trolled Substances Act (21 U.S.C. 841),
5 relating to manufacturing or distributing a
6 controlled substance, but only in the case
7 of a conviction for an offense described in
8 subparagraph (A), (B), or (C) of sub-
9 section (b)(1) of that section for which
10 death or serious bodily injury resulted
11 from the use of such substance.

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

18 “(xiv) Any section of the Export Ad-
19 ministration Act of 1979 (50 U.S.C. App.
20 2401 et seq.)

21 “(xlv) Section 206 of the Inter-
22 national Emergency Economic Powers Act
23 (50 U.S.C. 1705).

24 “(xvi) Section 601 of the National
25 Security Act of 1947 (50 U.S.C. 3121), re-

1 relating to the protection of identities of cer-
2 tain United States undercover intelligence
3 officers, agents, informants, and sources.

4 “(xlvii) An offense described in sec-
5 tion 3559(c)(2)(F), for which the offender
6 was sentenced to a term of imprisonment
7 of more than one year, if the offender has
8 a previous conviction, for which the of-
9 fender served a term of imprisonment of
10 more than one year, for a Federal or State
11 offense, by whatever designation and wher-
12 ever committed, consisting of murder (as
13 described in section 1111), voluntary man-
14 slaughter (as described in section 1112),
15 assault with intent to commit murder (as
16 described in section 113(a)), aggravated
17 sexual abuse and sexual abuse (as de-
18 scribed in sections 2241 and 2242), abu-
19 sive sexual contact (as described in sec-
20 tions 2244(a)(1) and (a)(2)), kidnapping
21 (as described in chapter 55), carjacking
22 (as described in section 2119), arson (as
23 described in section 844(f)(3), (h), or (i)),
24 or terrorism (as described in chapter
25 113B).

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

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

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

1 “(e) PENALTIES.—The Director of the Bureau of
2 Prisons shall develop guidelines for the reduction of re-
3 wards and incentives earned under subsection (e) for pris-
4 oners who violate prison rules or evidence-based recidivism
5 reduction program or productive activity rules, which shall
6 provide—

7 “(1) general levels of violations and resulting
8 reductions;

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

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

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

23 “(1) initial training to educate officers and em-
24 ployees on how to use the System in an appropriate

1 and consistent manner, as well as the reasons for
2 using the System;

3 “(2) continuing education;

4 “(3) periodic training updates; and

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

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

15 **“§ 3633. Evidence-based recidivism reduction pro-**
16 **gram and recommendations**

17 “Prior to releasing the System, the Attorney General
18 shall—

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

23 “(2) review available information regarding the
24 effectiveness of evidence-based recidivism reduction
25 programs and productive activities that exist in

1 State-operated prisons throughout the United
2 States;

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

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

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

9 “(A) evidence-based recidivism reduction
10 programs;

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

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

19 **“§ 3634. Report**

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

1 Agencies of the Committees on Appropriations of the Sen-
2 ate and the House of Representatives that contains the
3 following:

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

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

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

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

17 “(C) identification of any gaps or short-
18 ages in capacity of such programs and activi-
19 ties.

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

23 “(A) The primary offense of conviction.

24 “(B) The length of the sentence imposed
25 and served.

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

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

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

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

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

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

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

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

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

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

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

13 “(A) the transfer of prisoners into
14 prerelease custody under section 3624(g) in-
15 cluding savings resulting from the avoidance or
16 deferral of future construction, acquisition, and
17 operations costs; and

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

22 “(7) Recommendations for how to reinvest any
23 savings into other Federal, State, and local law en-
24 forcement activities and evidence-based recidivism
25 reduction programs in the Bureau of Prisons.

1 **“§ 3635. Definitions**

2 “In this subchapter the following definitions apply:

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

7 “(A) has been shown by empirical evidence
8 to reduce recidivism or is based on research in-
9 dicating that it is likely to be effective in reduc-
10 ing recidivism;

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

14 “(C) may include—

15 “(i) social learning and communica-
16 tion, interpersonal, anti-bullying, rejection
17 response, and other life skills;

18 “(ii) family relationship building,
19 structured parent-child interaction, and
20 parenting skills;

21 “(iii) classes on morals or ethics;

22 “(iv) academic classes;

23 “(v) cognitive behavioral treatment;

24 “(vi) mentoring;

25 “(vii) substance abuse treatment;

26 “(viii) vocational training;

- 1 “(ix) faith-based classes or services;
2 “(x) civic engagement and reintegra-
3 tive community services;
4 “(xi) a prison job, including through a
5 prison work program;
6 “(xii) victim impact classes or other
7 restorative justice programs; and
8 “(xiii) trauma counseling and trauma-
9 informed support programs.

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

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

20 “(A) the risk that a prisoner will recidivate
21 upon release from prison; and

22 “(B) the recidivism reduction programs
23 that will best minimize the risk that the pris-
24 oner will recidivate upon release from prison.

“D. Risk and Needs Assessment System 3631”.

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

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

1 “(A) implement and complete the initial in-
2 take risk and needs assessment for each pris-
3 oner (including for each prisoner who was a
4 prisoner prior to the effective date of this sub-
5 section), regardless of the prisoner’s length of
6 imposed term of imprisonment, and begin to as-
7 sign prisoners to appropriate evidence-based re-
8 cidivism reduction programs based on that de-
9 termination;

10 “(B) begin to expand the effective evi-
11 dence-based recidivism reduction programs and
12 productive activities it offers and add any new
13 evidence-based recidivism reduction programs
14 and productive activities necessary to effectively
15 implement the System; and

16 “(C) begin to implement the other risk and
17 needs assessment tools necessary to effectively
18 implement the System over time, while pris-
19 oners are participating in and completing the
20 effective evidence-based recidivism reduction
21 programs and productive activities.

22 “(2) PHASE-IN.—In order to carry out para-
23 graph (1), so that every prisoner has the opportunity
24 to participate in and complete the type, amount, and
25 intensity of evidence-based recidivism reduction pro-

grams or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

“(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

“(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

“(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner’s proximity to release date.

“(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of the enactment of the FIRST STEP Act, the

1 Bureau of Prisons may begin to expand any evi-
2 dence-based recidivism reduction programs and pro-
3 ductive activities that exist at a prison as of such
4 date, and may offer to prisoners who successfully
5 participate in such programs and activities the in-
6 centives and rewards described in subchapter D.

7 “(5) RECIDIVISM REDUCTION PARTNERSHIPS.—

8 In order to expand evidence-based recidivism reduc-
9 tion programs and productive activities, the Attorney
10 General shall develop policies for the warden of each
11 prison of the Bureau of Prisons to enter into part-
12 nerships, subject to the availability of appropria-
13 tions, with any of the following:

14 “(A) Nonprofit and other private organiza-
15 tions, including faith-based, art, and commu-
16 nity-based organizations that will deliver recidi-
17 vism reduction programming on a paid or vol-
18 unteer basis.

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

23 “(C) Private entities that will—

24 “(i) deliver vocational training and
25 certifications;

1 “(ii) provide equipment to facilitate
2 vocational training or employment opportu-
3 nities for prisoners;

4 “(iii) employ prisoners; or

5 “(iv) assist prisoners in prerelease
6 custody or supervised release in finding
7 employment.

8 “(D) Industry-sponsored organizations
9 that will deliver workforce development and
10 training, on a paid or volunteer basis.

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

22 “(7) DEFINITIONS.—The terms in this sub-
23 section have the meaning given those terms in sec-
24 tion 3635.”.

25 (b) PRERELEASE CUSTODY.—

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

3 (A) in subsection (b)(1)—

4 (i) by striking “, beyond the time
5 served, of up to 54 days at the end of each
6 year of the prisoner’s term of imprison-
7 ment, beginning at the end of the first
8 year of the term,” and inserting “of up to
9 54 days for each year of the prisoner’s sen-
10 tence imposed by the court,”;

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

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

20 “(g) PRERELEASE CUSTODY FOR RISK AND NEEDS
21 ASSESSMENT SYSTEM PARTICIPANTS.—

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

1 “(A) has earned time credits under the
2 risk and needs assessment system developed
3 under subchapter D (referred to in this sub-
4 section as the ‘System’) in an amount that is
5 equal to the remainder of the prisoner’s im-
6 posed term of imprisonment;

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

12 “(C) has been classified by the warden of
13 the prison as otherwise qualified to be trans-
14 ferred into prerelease custody; and

15 “(D)(i) has been determined under the
16 System to be a minimum or low risk to
17 recidivate; or

18 “(ii) has had a petition to be transferred
19 to prerelease custody approved by the warden of
20 the prison, after the warden’s determination
21 that—

22 “(I) the prisoner would not be a dan-
23 ger to society if transferred to prerelease
24 custody;

1 “(II) the prisoner has made a good
2 faith effort to lower their recidivism risk
3 through participation in recidivism reduc-
4 tion programs or productive activities;

5 “(III) the prisoner is unlikely to
6 recidivate; and

7 “(IV) the transfer of the prisoner to
8 prerelease custody is otherwise appro-
9 priate.

10 “(2) TYPES OF PRERELEASE CUSTODY.—A
11 prisoner shall be placed in prerelease custody as fol-
12 lows:

13 “(A) HOME CONFINEMENT.—

14 “(i) IN GENERAL.—A prisoner placed
15 in prerelease custody pursuant to this sub-
16 section who is placed in home confinement
17 shall—

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

23 “(II) remain in the prisoner’s
24 residence, except that the prisoner
25 may leave the prisoner’s home in

1 order to, subject to the approval of
2 the Director of the Bureau of Pris-
3 ons—

4 “(aa) perform a job or job-
5 related activities, including an
6 apprenticeship, or participate in
7 job-seeking activities;

8 “(bb) participate in evi-
9 dence-based recidivism reduction
10 programming or productive ac-
11 tivities assigned by the System,
12 or similar activities;

13 “(cc) perform community
14 service;

15 “(dd) participate in crime
16 victim restoration activities;

17 “(ee) receive medical treat-
18 ment; or

19 “(ff) attend religious activi-
20 ties; and

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

24 “(ii) ALTERNATE MEANS OF MONI-
25 TORING.—If the electronic monitoring of a

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

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

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

22 “(B) RESIDENTIAL REENTRY CENTER.—A
23 prisoner placed in prerelease custody pursuant
24 to this subsection who is placed at a residential
25 reentry center shall be subject to such condi-

1 tions as the Director of the Bureau of Prisons
2 determines appropriate.

3 “(3) DETERMINATION OF CONDITIONS.—In de-
4 termining appropriate conditions for prisoners
5 placed in prerelease custody pursuant to this sub-
6 section, the Director of the Bureau of Prisons shall,
7 to the extent practicable, provide that increasingly
8 less restrictive conditions shall be imposed on pris-
9 oners who demonstrate continued compliance with
10 the conditions of such prerelease custody, so as to
11 most effectively prepare such prisoners for reentry.

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

22 “(5) ISSUANCE OF GUIDELINES.—The Attorney
23 General, in consultation with the Assistant Director
24 for the Office of Probation and Pretrial Services,

1 shall issue guidelines, for use by the Bureau of Pris-
2 ons in determining—

3 “(A) the appropriate type of prerelease
4 custody and level of supervision for a prisoner
5 placed on prerelease custody pursuant to this
6 subsection; and

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

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

20 “(A) authorize United States Probation
21 and Pretrial Services to exercise the authority
22 granted to the Director pursuant to paragraphs
23 (3) and (4); and

24 “(B) take into account the resource re-
25 quirements of United States Probation and

1 Pretrial Services as a result of the transfer of
2 Bureau of Prisons prisoners to prerelease cus-
3 tody.

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

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

23 “(9) TIME LIMITS INAPPLICABLE.—The time
24 limits under subsections (b) and (c) shall not apply
25 to prerelease custody under this subsection.”.

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

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

13 **SEC. 103. GAO REPORT.**

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

21 (1) Whether inmates are being assessed under
22 the risk and needs assessment system with the fre-
23 quency required under such section 3621.

24 (2) Whether the Bureau of Prisons is able to
25 offer recidivism reduction programs and productive

1 activities (as such terms are defined in section 3635
2 of title 18, United States Code).

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

8 (4) Whether the Attorney General is carrying
9 out the duties under section 3631(b) of title 18,
10 United States Code.

11 (5) Whether officers and employees of the Bu-
12 reau of Prisons are receiving the training described
13 in section 3236(f) of title 18, United States Code.

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

17 (7) Whether the Bureau of Prisons transfers
18 prisoners to prerelease custody as soon as they are
19 eligible for such a transfer under section 3624(g) of
20 title 18, United States Code.

21 (8) The rates of recidivism among similarly
22 classified prisoners to identify any unwarranted dis-
23 parities, including disparities among similarly classi-
24 fied prisoners of different demographic groups, in
25 such rates.

1 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to carry out this title \$50,000,000 for each of fis-
4 cal years 2019 through 2023. Of the amount appropriated
5 under this subsection, 80 percent shall be reserved for use
6 by the Director of the Bureau of Prisons to implement
7 the system under section 102 and the amendments made
8 by that section.

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

12 (1) into evidence-based recidivism reduction
13 programs offered by the Bureau of Prisons; and

14 (2) into ensuring eligible prisoners have access
15 to such programs and productive activities offered
16 by the Bureau of Prisons.

17 **SEC. 105. RULE OF CONSTRUCTION.**

18 Nothing in this Act, or the amendments made by this
19 Act, may be construed to provide authority to place a pris-
20 oner in prerelease custody who is serving a term of impris-
21 onment pursuant to a conviction for an offense under the
22 laws of one of the 50 States, or of a territory or possession
23 of the United States.

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

25 In considering any program, treatment, regimen,
26 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 **TITLE II—BUREAU OF PRISONS** 6 **SECURE FIREARMS STORAGE**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “Lieutenant Osvaldo
 9 Albarati Correctional Officer Self-Protection Act of
 10 2018”.

11 **SEC. 202. SECURE FIREARMS STORAGE.**

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

15 **“§ 4050. Secure firearms storage**

16 “(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 12 The table of sections for chapter 303 of title 18, United
 13 States Code, as amended by this Act, is further amended
 14 by adding at the end the following:

“4050. Secure firearms storage.”.

15 **TITLE III—RESTRAINTS ON**
 16 **PREGNANT PRISONERS PRO-**
 17 **HIBITED**

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

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

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

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

11 “(b) EXCEPTIONS.—

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

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

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

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

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

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

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

8 “(3) APPLICATION.—

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

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

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

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

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

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

1 the prisoner or remove restraints used on the
2 prisoner.

3 “(c) REPORTS.—

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

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

18 “(B) the details of the use of restraints,
19 including the type of restraints used and length
20 of time during which restraints were used; and

21 “(C) any resulting physical effects on the
22 prisoner observed by or known to the correc-
23 tions official or United States marshal, as ap-
24 plicable.

1 “(2) SUPPLEMENTAL REPORT TO THE DIREC-
2 TOR.—Upon receipt of a report under subsection
3 (c)(1), the healthcare professional responsible for the
4 health and safety of the prisoner may submit to the
5 Director such information as the healthcare profes-
6 sional determines is relevant to the use of restraints
7 on the prisoner.

8 “(3) REPORT TO JUDICIARY COMMITTEES.—

9 “(A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, and an-
11 nually thereafter, the Director of the Bureau of
12 Prisons and the Director of the United States
13 Marshals Service shall each submit to the Judi-
14 ciary Committee of the Senate and of the
15 House of Representatives a report that certifies
16 compliance with this section and includes the
17 information required to be reported under para-
18 graph (1).

19 “(B) PERSONALLY IDENTIFIABLE INFOR-
20 MATION.—The report under this paragraph
21 shall not contain any personally identifiable in-
22 formation of any prisoner.

23 “(d) NOTICE.—Not later than 48 hours after the con-
24 firmation of a prisoner’s pregnancy by a healthcare profes-
25 sional, that prisoner shall be notified by an appropriate

1 healthcare professional, corrections official, or United
2 States marshal, as applicable, of the restrictions on the
3 use of restraints under this section.

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

9 “(f) TRAINING.—

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

18 “(A) how to identify certain symptoms of
19 pregnancy that require immediate referral to a
20 healthcare professional;

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

23 “(C) in the case that an exception under
24 subsection (b) applies, how to apply restraints

1 in a way that does not harm the prisoner, the
2 fetus, or the neonate;

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

5 “(E) the right of a healthcare professional
6 to request that restraints not be used, and the
7 requirement under subsection (b)(3)(B) to com-
8 ply with such a request.

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

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

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

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

24 “(3) The term ‘prisoner’ means a person who
25 has been sentenced to a term of imprisonment pur-

1 suant to a conviction for a Federal criminal offense,
 2 or a person in the custody of the Bureau of Prisons,
 3 including a person in a Bureau of Prisons con-
 4 tracted facility.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of chapter 317 of title 18, United States
 7 Code, is amended by adding after the item relating to sec-
 8 tion 4321 the following:

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

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

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

12 Subsection (b) of section 3621 of title 18, United
 13 States Code, is 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-

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

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

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

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

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

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

7 (1) in paragraph (1)—

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

11 (B) in subparagraph (A), by striking “a
12 Bureau of Prisons facility” and inserting “Bu-
13 reau of Prisons facilities”;

14 (C) in subparagraph (B)—

15 (i) by striking “the Bureau of Prisons
16 facility” and inserting “Bureau of Prisons
17 facilities”; and

18 (ii) by inserting “, upon written re-
19 quest from either the Bureau of Prisons or
20 an eligible elderly offender or eligible ter-
21 minally ill offender” after “to home deten-
22 tion”; and

23 (D) in subparagraph (C), by striking “the
24 Bureau of Prisons facility” and inserting “Bu-
25 reau of Prisons facilities”;

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

3 (3) in paragraph (3)—

4 (A) by striking “at least one Bureau of
5 Prisons facility” and inserting “Bureau of Pris-
6 ons facilities”; and

7 (B) by striking “and shall be carried out
8 during fiscal years 2009 and 2010” and insert-
9 ing “and shall be carried out during fiscal years
10 2019 through 2022”;

11 (4) in paragraph (4)—

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

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

18 (5) in paragraph (5)—

19 (A) in subparagraph (A)—

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

22 (ii) in clause (ii)—

23 (I) by striking “the greater of 10
24 years or”; and

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

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

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

8 “(i) is serving a term of imprisonment
9 based on conviction for an offense or of-
10 fenses that do not include any crime of vio-
11 lence (as defined in section 16(a) of title
12 18, United States Code), sex offense (as
13 defined in section 111(5) of the Sex Of-
14 fender Registration and Notification Act
15 (34 U.S.C. 20911(5))), offense described
16 in section 2332b(g)(5)(B) of title 18,
17 United States Code, or offense under chap-
18 ter 37 of title 18, United States Code;

19 “(ii) satisfies the criteria specified in
20 clauses (iii) through (vii) of subparagraph
21 (A); and

22 “(iii) has been determined by a med-
23 ical doctor approved by the Bureau of
24 Prisons to be—

1 “(I) in need of care at a nursing
2 home, intermediate care facility, or
3 assisted living facility, as those terms
4 are defined in section 232 of the Na-
5 tional Housing Act (12 U.S.C.
6 1715w); or

7 “(II) diagnosed with a terminal
8 illness.”.

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

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

21 (2) by redesignating subsection (d) as sub-
22 section (e); and

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

25 “(d) NOTIFICATION REQUIREMENTS.—

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

4 “(2) NOTIFICATION.—The Bureau of Prisons
5 shall, subject to any applicable confidentiality re-
6 quirements—

7 “(A) in the case of a defendant diagnosed
8 with a terminal illness—

9 “(i) not later than 72 hours after the
10 diagnosis notify the defendant’s attorney,
11 partner, and family members of the de-
12 fendant’s condition and inform the defend-
13 ant’s attorney, partner, and family mem-
14 bers that they may prepare and submit on
15 the defendant’s behalf a request for a sen-
16 tence reduction pursuant to subsection
17 (c)(1)(A);

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

23 “(iii) upon request from the defendant
24 or his attorney, partner, or a family mem-
25 ber, ensure that Bureau of Prisons employ-

ees assist the defendant in the preparation,
drafting, and submission of a request for a
sentence reduction pursuant to subsection
(c)(1)(A); and

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

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

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

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

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

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

14 “(i) a defendant’s ability to request a
15 sentence reduction pursuant to subsection
16 (c)(1)(A);

17 “(ii) the procedures and timelines for
18 initiating and resolving requests described
19 in clause (i); and

20 “(iii) the right to appeal a denial of a
21 request described in clause (i) after all ad-
22 ministrative rights to appeal within the
23 Bureau of Prisons have been exhausted.

24 “(3) ANNUAL REPORT.—Not later than 1 year
25 after the date of enactment of this subsection, and

1 once every year thereafter, the Director of the Bu-
2 reau of Prisons shall submit to the Committee on
3 the Judiciary of the Senate and the Committee on
4 the Judiciary of the House of Representatives a re-
5 port on requests for sentence reductions pursuant to
6 subsection (c)(1)(A), which shall include a descrip-
7 tion of, for the previous year—

8 “(A) the number of prisoners granted and
9 denied sentence reductions, categorized by the
10 criteria relied on as the grounds for a reduction
11 in sentence;

12 “(B) the number of requests initiated by
13 or on behalf of prisoners, categorized by the cri-
14 teria relied on as the grounds for a reduction
15 in sentence;

16 “(C) the number of requests which Bureau
17 of Prisons employees assisted prisoners in
18 drafting, preparing, or submitting, categorized
19 by the criteria relied on as the grounds for a re-
20 duction in sentence, and the final decision made
21 in each request;

22 “(D) the number of requests which attor-
23 neys, partners, or family members submitted on
24 a defendant’s behalf, categorized by the criteria
25 relied on as the grounds for a reduction in sen-

1 tence, and the final decision made in each re-
2 quest;

3 “(E) the number of requests approved by
4 the Director of the Bureau of Prisons, cat-
5 egorized by the criteria relied on as the grounds
6 for a reduction in sentence;

7 “(F) the number of requests denied by the
8 Director of the Bureau of Prisons and the rea-
9 sons given for each denial, categorized by the
10 criteria relied on as the grounds for a reduction
11 in sentence;

12 “(G) for each request, the time elapsed be-
13 tween the date the request was received by the
14 warden and the final decision, categorized by
15 the criteria relied on as the grounds for a re-
16 duction in sentence;

17 “(H) for each request, the number of pris-
18 oners who died while their request was pending
19 and, for each, the amount of time that had
20 elapsed between the date the request was re-
21 ceived by the Bureau of Prisons, categorized by
22 the criteria relied on as the grounds for a re-
23 duction in sentence;

24 “(I) the number of Bureau of Prisons noti-
25 fications to attorneys, partners, and family

1 members of their right to visit a terminally ill
2 defendant as required under paragraph
3 (2)(A)(ii) and, for each, whether a visit oc-
4 curred and how much time elapsed between the
5 notification and the visit;

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

10 “(K) the number of motions filed by de-
11 fendants with the court after all administrative
12 rights to appeal a denial of a sentence reduction
13 had been exhausted, the outcome of each mo-
14 tion, and the time that had elapsed between the
15 date the request was first received by the Bu-
16 reau of Prisons and the date the defendant filed
17 the motion with the court.”.

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

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

22 (1) in paragraph (1)—

23 (A) by striking “(including” and inserting
24 “prior to release from a term of imprisonment
25 in a Federal prison or if the individual was not

1 sentenced to a term of imprisonment in a Fed-
2 eral prison, prior to release from a sentence to
3 a term in community confinement, including”;
4 and

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

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

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

14 (b) DUTIES OF THE BUREAU OF PRISONS.—Section
15 4042(a) of title 18, United States Code, is amended—

16 (1) by redesignating paragraphs (D) and (E) as
17 paragraphs (6) and (7), respectively;

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

19 (A) in clause (i)—

20 (i) by striking “Social Security
21 Cards,”; and

22 (ii) by striking “and” at the end;

23 (B) by redesignating clause (ii) as clause
24 (iii);

1 (C) by inserting after clause (i) the fol-
2 lowing:

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

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

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

17 (3) in paragraph (7) (as so redesignated), by
18 redesignating clauses (i) through (vii) as subpara-
19 graphs (A) through (G), respectively.

20 **SEC. 405. EXPANDING INMATE EMPLOYMENT THROUGH**
21 **FEDERAL PRISON INDUSTRIES.**

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

1 **“§ 4130. Additional markets**

2 “(a) IN GENERAL.—Notwithstanding any other pro-
3 vision of law, Federal Prison Industries may sell products
4 to—

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

7 “(2) public entities for use in disaster relief or
8 emergency response;

9 “(3) the government of the District of Colum-
10 bia; and

11 “(4) any organization described in section
12 501(c)(3), (c)(4), or (d) of the Internal Revenue
13 Code of 1986 that is exempt from taxation under
14 section 501(a) of such Code.

15 “(b) DEFINITIONS.—In this section:

16 “(1) 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 “(2) 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 **SEC. 406. DE-ESCALATION TRAINING.**

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

19 (1) de-escalate encounters between a law en-
20 forcement officer or an officer or employee of the
21 Bureau of Prisons, and a civilian or a prisoner (as
22 such term is defined in section 106 of this Act); and

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

1 **SEC. 407. EVIDENCE-BASED TREATMENT FOR OPIOID AND**
2 **HEROIN ABUSE.**

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

22 (b) REPORT ON THE AVAILABILITY OF MEDICATION-
23 ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,
24 AND IMPLEMENTATION THEREOF.—Not later than 120
25 days after the date of the enactment of this Act, the Direc-
26 tor of the Administrative Office of the United States

1 Courts shall submit to the Committees on the Judiciary
2 and the Committees on Appropriations of the Senate and
3 of the House of Representatives a report assessing the
4 availability of and capacity for the provision of medication-
5 assisted treatment for opioid and heroin abuse by treat-
6 ment-service providers serving prisoners who are serving
7 a term of supervised release, and including a description
8 of plans to expand access to medication-assisted treatment
9 for heroin and opioid abuse whenever appropriate among
10 prisoners under supervised release. Following submission,
11 the Director will take steps to implement these plans.

12 **SEC. 408. PILOT PROGRAMS.**

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

16 (1) MENTORSHIP FOR YOUTH.—A program to
17 pair youth with volunteers from faith-based or com-
18 munity organizations, which may include formerly
19 incarcerated offenders, that have relevant experience
20 or expertise in mentoring, and a willingness to serve
21 as a mentor in such a capacity.

22 (2) SERVICE TO ABANDONED, RESCUED, OR
23 OTHERWISE VULNERABLE ANIMALS.—A program to
24 equip prisoners with the skills to provide training
25 and therapy to animals seized by Federal law en-

(c) DEFINITION.—In this title, the term “youth” means a prisoner (as such term is defined in section 106) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.

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

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

1 **SEC. 410. DATA COLLECTION.**

2 (a) NATIONAL PRISONER STATISTICS PROGRAM.—
3 Beginning not later than one year after the date of the
4 enactment of this Act, and annually thereafter, pursuant
5 to the authority under section 302 of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C. 3732),
7 the Director of the Bureau of Justice Statistics, with in-
8 formation that shall be provided by the Director of the
9 Bureau of Prisons, shall include in the National Prisoner
10 Statistics Program the following:

11 (1) The number of prisoners (as such term is
12 defined in section 106 of this Act) who are veterans
13 of the Armed Forces of the United States.

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

17 (3) The number of female prisoners known by
18 the Bureau of Prisons to be pregnant, as well as the
19 outcomes of such pregnancies, including information
20 on pregnancies that result in live-birth, still-birth,
21 miscarriage, abortion, ectopic pregnancy, maternal
22 death, neonatal death, and preterm birth.

23 (4) The numbers of prisoners who volunteered
24 to participate in a substance abuse treatment pro-
25 gram, and the number of prisoners who have partici-
26 pated in such a program.

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

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

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

11 (8) The numbers of prisoners who are single,
12 married, or otherwise in a committed relationship.

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

16 (10) The number of prisoners who, during the
17 previous year, received their GED or other equiva-
18 lent certificate while incarcerated.

19 (11) The numbers of prisoners for whom
20 English is a second language.

21 (12) The number of incidents, during the pre-
22 vious year, in which restraints were used on a female
23 prisoner during pregnancy, labor, or postpartum re-
24 covery, as well as information relating to the type of

1 restraints used, and the circumstances under which
2 each incident occurred.

3 (13) The vacancy rate for medical and
4 healthcare staff positions, and average length of
5 such a vacancy.

6 (14) The number of facilities that operated, at
7 any time during the previous year, without at least
8 one clinical nurse, certified paramedic, or licensed
9 physician on-site.

10 (15) The number of facilities that during the
11 previous year were accredited by the American Cor-
12 rectional Association.

13 (16) The number and type of recidivism reduc-
14 tion partnerships described in section 3621(h)(5) of
15 title 18, United States Code, entered into by each
16 facility.

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

19 (18) The number of facilities that offer pris-
20 oners video conferencing.

21 (19) Any changes in costs related to legal phone
22 calls and visits following implementation of section
23 403 of this Act.

24 (20) The number of aliens in prison during the
25 previous year.

1 (21) For each Bureau of Prisons facility, the
2 total number of violations that resulted in reductions
3 in rewards, incentives, or time credits, the number
4 of such violations for each category of violation, and
5 the demographic breakdown of the prisoners who
6 have received such reductions.

7 (22) The number of assaults on Bureau of Pris-
8 ons staff by prisoners and the number of criminal
9 prosecutions of prisoners for assaulting Bureau of
10 Prisons staff.

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

14 (24) The number of volunteers who were cer-
15 tified to volunteer in a Bureau of Prisons facility,
16 broken down by level (level I and level II), and by
17 each Bureau of Prisons facility.

18 (25) The number of prisoners enrolled in recidi-
19 vism reduction programs and productive activities at
20 each Bureau of Prisons facility, broken down by risk
21 level and by program, and the number of those en-
22 rolled prisoners who successfully completed each pro-
23 gram.

24 (26) The breakdown of prisoners classified at
25 each risk level by demographic characteristics, in-

1 including age, sex, race, and the length of the sentence
2 imposed.

3 (b) REPORT TO JUDICIARY COMMITTEES.—Begin-
4 ning not later than 1 year after the date of the enactment
5 of this Act, and annually thereafter for a period of 7 years,
6 the Director of the Bureau of Justice Statistics shall sub-
7 mit a report containing the information described in para-
8 graphs (1) through (26) of subsection (a) to the Commit-
9 tees on the Judiciary of the House of Representatives and
10 of the Senate.

11 **SEC. 411. HEALTHCARE PRODUCTS.**

12 (a) AVAILABILITY.—The Director of the Bureau of
13 Prisons shall make the healthcare products described in
14 subsection (c) available to prisoners for free, in a quantity
15 that is appropriate to the healthcare needs of each pris-
16 oner.

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

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

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

3 Section 8(e)(8) of the Prison Rape Elimination Act
4 of 2003 (34 U.S.C. 30307(e)(8)) is amended to read as
5 follows:

6 “(8) STANDARDS FOR AUDITORS.—

7 “(A) IN GENERAL.—

8 “(i) BACKGROUND CHECKS FOR AUDI-
9 TORS.—An individual seeking certification
10 by the Department of Justice to serve as
11 an auditor of prison compliance with the
12 national standards described in subsection
13 (a) shall, upon request, submit fingerprints
14 in the manner determined by the Attorney
15 General for criminal history record checks
16 of the applicable State and Federal Bureau
17 of Investigation repositories.

18 “(ii) CERTIFICATION AGREEMENTS.—
19 Each auditor certified under this para-
20 graph shall sign a certification agreement
21 that includes the provisions of, or provi-
22 sions that are substantially similar to, the
23 Bureau of Justice Assistance’s Auditor
24 Certification Agreement in use in April
25 2018.

1 “(iii) AUDITOR EVALUATION.—The
2 PREA Management Office of the Bureau
3 of Justice Assistance shall evaluate all
4 auditors based on the criteria contained in
5 the certification agreement. In the case
6 that an auditor fails to comply with a cer-
7 tification agreement or to conduct audits
8 in accordance with the PREA Auditor
9 Handbook, audit methodology, and instru-
10 ment approved by the PREA Management
11 Office, the Office may take remedial or
12 disciplinary action, as appropriate, includ-
13 ing decertifying the auditor in accordance
14 with subparagraph (B).

15 “(B) AUDITOR DECERTIFICATION.—

16 “(i) IN GENERAL.—The PREA Man-
17 agement Office may suspend an auditor’s
18 certification during an evaluation of an
19 auditor’s performance under subparagraph
20 (A)(iii). The PREA Management Office
21 shall promptly publish the names of audi-
22 tors who have been decertified, and the
23 reason for decertification. Auditors who
24 have been decertified or are on suspension
25 may not participate in audits described in

1 subsection (a), including as an agent of a
2 certified auditor.

3 “(ii) NOTIFICATION.—In the case that
4 an auditor is decertified, the PREA Man-
5 agement Office shall inform each facility or
6 agency at which the auditor performed an
7 audit during the relevant 3-year audit
8 cycle, and may recommend that the agency
9 repeat any affected audits, if appropriate.

10 “(C) AUDIT ASSIGNMENTS.—The PREA
11 Management Office shall establish a system, to
12 be administered by the Office, for assigning cer-
13 tified auditors to Federal, State, and local fa-
14 cilities.

15 “(D) DISCLOSURE OF DOCUMENTATION.—
16 The Director of the Bureau of Prisons shall
17 comply with each request for documentation
18 necessary to conduct an audit under subsection
19 (a), which is made by a certified auditor in ac-
20 cordance with the provisions of the certification
21 agreement described in subparagraph (A)(ii).
22 The Director of the Bureau of Prisons may re-
23 quire an auditor to sign a confidentiality agree-
24 ment or other agreement designed to address
25 the auditor’s use of personally identifiable infor-

1 mation, except that such an agreement may not
2 limit an auditor’s ability to provide all such doc-
3 umentation to the Department of Justice, as re-
4 quired under section 115.401(j) of title 28,
5 Code of Federal Regulations.”.

6 **SEC. 413. ADULT AND JUVENILE COLLABORATION PRO-**
7 **GRAMS.**

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

11 (1) by striking subsection (b)(4)(D);

12 (2) in subsection (e), by striking “may use up
13 to 3 percent” and inserting “shall use not less than
14 6 percent”; and

15 (3) by amending subsection (g) to read as fol-
16 lows:

17 “(g) **COLLABORATION SET ASIDE.**—The Attorney
18 General shall use not less than 8 percent of funds appro-
19 priated to provide technical assistance to State and local
20 governments receiving grants under this part to foster col-
21 laboration between such governments in furtherance of the
22 purposes set forth in section 3 of the Mentally Ill Offender

- 1 Treatment and Crime Reduction Act of 2004 (34 U.S.C.
- 2 10651 note).”.

Passed the House of Representatives May 22, 2018.

Attest:

KAREN L. HAAS,

Clerk.