

115TH CONGRESS  
2D SESSION

# H. R. 6896

To provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2018

Mr. SENSENBRENNER (for himself and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To provide for the continued performance of the functions of the United States Parole Commission, 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.**

4 This Act may be cited as the “United States Parole  
5 Commission Extension Act of 2018”.

6 **SEC. 2. AMENDMENT OF SENTENCING REFORM ACT OF**  
7 **1984.**

8 For purposes of section 235(b) of the Sentencing Re-  
9 form Act of 1984 (18 U.S.C. 3551 note; Public Law 98–  
10 473; 98 Stat. 2032), as such section relates to chapter

1 311 of title 18, United States Code, and the United States  
2 Parole Commission, each reference in such section to “31  
3 years” or “31-year period” shall be deemed a reference  
4 to “33 years” or “33-year period”, respectively.

5 **SEC. 3. PAROLE COMMISSION REPORT.**

6 (a) IN GENERAL.—Not later than 180 days after the  
7 date of enactment of this Act, the United States Parole  
8 Commission shall report to the Committees on the Judici-  
9 ary of the Senate and House of Representatives the fol-  
10 lowing for fiscal year 2018:

11 (1) The number of offenders in each type of  
12 case over which the Commission has jurisdiction, in-  
13 cluding the number of Sexual or Violent Offender  
14 Registry offenders and Tier Levels offenders.

15 (2) The number of hearings, record reviews and  
16 National Appeals Board considerations conducted by  
17 the Commission in each type of case over which the  
18 Commission has jurisdiction.

19 (3) The number of hearings conducted by the  
20 Commission by type of hearing in each type of case  
21 over which the Commission has jurisdiction.

22 (4) The number of record reviews conducted by  
23 the Commission by type of consideration in each  
24 type of case over which the Commission has jurisdic-  
25 tion.

1           (5) The number of warrants issued and exe-  
2           cuted compared to the number requested in each  
3           type of case over which the Commission has jurisdic-  
4           tion.

5           (6) The number of revocation determinations by  
6           the Commission in each type of case over which the  
7           Commission has jurisdiction.

8           (7) The distribution of initial offenses, includ-  
9           ing violent offenses, for offenders in each type of  
10          case over which the Commission has jurisdiction.

11          (8) The distribution of subsequent offenses, in-  
12          cluding violent offenses, for offenders in each type of  
13          case over which the Commission has jurisdiction.

14          (9) The percentage of offenders paroled or re-  
15          paroled compared with the percentage of offenders  
16          continued to expiration of sentence (less any good  
17          time) in each type of case over which the Commis-  
18          sion has jurisdiction.

19          (10) The percentage of cases (except probable  
20          cause hearings and hearings in which a continuance  
21          was ordered) in which the primary and secondary  
22          examiner disagreed on the appropriate disposition of  
23          the case (the amount of time to be served before re-  
24          lease), the release conditions to be imposed, or the

1 reasons for the decision in each type of case over  
2 which the Commission has jurisdiction.

3 (11) The percentage of decisions within, above,  
4 or below the Commission's decision guidelines for  
5 Federal initial hearings (28 C.F.R. 2.20) and Fed-  
6 eral and D.C. Code revocation hearings (28 C.F.R.  
7 2.21).

8 (12) The percentage of revocation and non-rev-  
9 ocation hearings in which the offender is accom-  
10 panied by a representative in each type of case over  
11 which the Commission has jurisdiction.

12 (13) The number of administrative appeals and  
13 the action of the National Appeals Board in relation  
14 to those appeals in each type of case over which the  
15 Commission has jurisdiction.

16 (14) The projected number of Federal offenders  
17 that will be under the Commission's jurisdiction as  
18 of October 31, 2021.

19 (15) An estimate of the date on which no Fed-  
20 eral offenders will remain under the Commission's  
21 jurisdiction.

22 (16) The Commission's annual expenditures for  
23 offenders in each type of case over which the Com-  
24 mission has jurisdiction.

1           (17) The annual expenditures of the Commis-  
2           sion, including travel expenses and the annual sala-  
3           ries of the members and staff of the Commission.

4           (b) SUCCEEDING FISCAL YEARS.—For each of fiscal  
5           years 2019 through 2021, not later than 90 days after  
6           the end of the fiscal year, the United States Parole Com-  
7           mission shall report to the Committees on the Judiciary  
8           of the Senate and House of Representatives the items in  
9           paragraphs (1) through (17) of subsection (a), for the fis-  
10          cal year.

11          (c) DISTRICT OF COLUMBIA PAROLE FAILURE RATE  
12          REPORT.—Not later than 180 days after the date of en-  
13          actment of this Act, the United States Parole Commission  
14          shall report to the Committees on the Judiciary of the  
15          Senate and House of Representatives the following:

16                (1) The parole failure rate for the District of  
17                Columbia for the last full fiscal year immediately  
18                preceding the date of the report.

19                (2) The factors that cause that parole failure  
20                rate.

21                (3) Remedial measures that might be under-  
22                taken to reduce that parole failure rate.

1 **SEC. 4. 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.”.

○