

115TH CONGRESS
2D SESSION

H. R. 6896

IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 28), 2018

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. AMENDMENT OF SENTENCING REFORM ACT OF**
5 **1984.**

6 For purposes of section 235(b) of the Sentencing Re-
7 form Act of 1984 (18 U.S.C. 3551 note; Public Law 98–
8 473; 98 Stat. 2032), as such section relates to chapter
9 311 of title 18, United States Code, and the United States
10 Parole Commission, each reference in such section to “31
11 years” or “31-year period” shall be deemed a reference
12 to “33 years” or “33-year period”, respectively.

13 **SEC. 3. PAROLE COMMISSION REPORT.**

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

19 (1) The number of offenders in each type of
20 case over which the Commission has jurisdiction, in-
21 cluding the number of Sexual or Violent Offender
22 Registry offenders and Tier Levels offenders.

23 (2) The number of hearings, record reviews and
24 National Appeals Board considerations conducted by
25 the Commission in each type of case over which the
26 Commission has jurisdiction.

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

4 (4) The number of record reviews conducted by
5 the Commission by type of consideration in each
6 type of case over which the Commission has jurisdic-
7 tion.

8 (5) The number of warrants issued and exe-
9 cuted compared to the number requested in each
10 type of case over which the Commission has jurisdic-
11 tion.

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

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

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

21 (9) The percentage of offenders paroled or re-
22 paroled compared with the percentage of offenders
23 continued to expiration of sentence (less any good
24 time) in each type of case over which the Commis-
25 sion has jurisdiction.

1 (10) The percentage of cases (except probable
2 cause hearings and hearings in which a continuance
3 was ordered) in which the primary and secondary
4 examiner disagreed on the appropriate disposition of
5 the case (the amount of time to be served before re-
6 lease), the release conditions to be imposed, or the
7 reasons for the decision in each type of case over
8 which the Commission has jurisdiction.

9 (11) The percentage of decisions within, above,
10 or below the Commission's decision guidelines for
11 Federal initial hearings (28 CFR 2.20) and Federal
12 and D.C. Code revocation hearings (28 CFR 2.21).

13 (12) The percentage of revocation and non-rev-
14 ocation hearings in which the offender is accom-
15 panied by a representative in each type of case over
16 which the Commission has jurisdiction.

17 (13) The number of administrative appeals and
18 the action of the National Appeals Board in relation
19 to those appeals in each type of case over which the
20 Commission has jurisdiction.

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

1 (15) An estimate of the date on which no Fed-
2 eral offenders will remain under the Commission's
3 jurisdiction.

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

7 (17) The annual expenditures of the Commis-
8 sion, including travel expenses and the annual sala-
9 ries of the members and staff of the Commission.

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

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

22 (1) The parole failure rate for the District of
23 Columbia for the last full fiscal year immediately
24 preceding the date of the report.

1 (2) The factors that cause that parole failure
2 rate.

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

5 **SEC. 4. PRISON RAPE ELIMINATION STANDARDS AUDI-**
6 **TORS.**

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

10 “(8) STANDARDS FOR AUDITORS.—

11 “(A) IN GENERAL.—

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

22 “(ii) CERTIFICATION AGREEMENTS.—
23 Each auditor certified under this para-
24 graph shall sign a certification agreement
25 that includes the provisions of, or provi-

1 sions that are substantially similar to, the
2 Bureau of Justice Assistance’s Auditor
3 Certification Agreement in use in April
4 2018.

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

19 “(B) AUDITOR DECERTIFICATION.—

20 “(i) IN GENERAL.—The PREA Man-
21 agement Office may suspend an auditor’s
22 certification during an evaluation of an
23 auditor’s performance under subparagraph
24 (A)(iii). The PREA Management Office
25 shall promptly publish the names of audi-

1 tors who have been decertified, and the
2 reason for decertification. Auditors who
3 have been decertified or are on suspension
4 may not participate in audits described in
5 subsection (a), including as an agent of a
6 certified auditor.

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

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

19 “(D) DISCLOSURE OF DOCUMENTATION.—
20 The Director of the Bureau of Prisons shall
21 comply with each request for documentation
22 necessary to conduct an audit under subsection
23 (a), which is made by a certified auditor in ac-
24 cordance with the provisions of the certification
25 agreement described in subparagraph (A)(ii).

1 The Director of the Bureau of Prisons may re-
2 quire an auditor to sign a confidentiality agree-
3 ment or other agreement designed to address
4 the auditor's use of personally identifiable infor-
5 mation, except that such an agreement may not
6 limit an auditor's ability to provide all such doc-
7 umentation to the Department of Justice, as re-
8 quired under section 115.401(j) of title 28,
9 Code of Federal Regulations.'".

Passed the House of Representatives September 28,
2018.

Attest:

KAREN L. HAAS,

Clerk.