

115TH CONGRESS
2D SESSION

S. 2795

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

IN THE SENATE OF THE UNITED STATES

MAY 7, 2018

Mr. CORNYN (for himself and Mr. WHITEHOUSE) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM REDUCTION

- Sec. 101. Risk and needs assessment system.
- Sec. 102. Implementation of system and recommendations by Bureau of Prisons.
- Sec. 103. GAO Report.
- Sec. 104. Authorization of appropriations.
- Sec. 105. Rule of construction.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

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

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

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

TITLE IV—MISCELLANEOUS CRIMINAL JUSTICE

- Sec. 401. Placement of prisoners close to families.
- Sec. 402. Home confinement for low risk prisoners.
- Sec. 403. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.
- Sec. 404. Identification for returning citizens.
- Sec. 405. Miscellaneous.
- Sec. 406. Expanding inmate employment through Federal prison industries.
- Sec. 407. De-escalation training.
- Sec. 408. Evidence-based treatment for opioid and heroin abuse.
- Sec. 409. Pilot programs.
- Sec. 410. Ensuring supervision of released sexually dangerous persons.
- Sec. 411. Data collection.
- Sec. 412. Healthcare products.
- Sec. 413. Prison rape elimination standards auditors.
- Sec. 414. Adult and juvenile collaboration programs.

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:

1 “SUBCHAPTER D—RISK AND NEEDS
2 ASSESSMENT SYSTEM

3 **“§ 3631. Duties of the Attorney General**

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

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

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

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

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

13 “(5) the Director of the National Institute of
14 Corrections.

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

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

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

22 “(3) conduct ongoing research and data anal-
23 ysis on—

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

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

6 “(C) which evidence-based recidivism re-
7 duction programs are the most effective at re-
8 ducing recidivism, and the type, amount, and
9 intensity of programming that most effectively
10 reduces the risk of recidivism; and

11 “(D) products purchased by Federal agen-
12 cies that are manufactured overseas and could
13 be manufactured by prisoners participating in a
14 prison work program without reducing job op-
15 portunities for other workers in the United
16 States;

17 “(4) on an annual basis, review and validate the
18 risk and needs assessment system, which review
19 shall include—

20 “(A) any subsequent changes to the risk
21 and needs assessment system made after the
22 date of the enactment of this subchapter;

23 “(B) the recommendations developed under
24 paragraph (2), using the research conducted
25 under paragraph (3);

1 “(C) an evaluation to ensure that the risk
 2 and needs assessment system bases the assess-
 3 ment of each prisoner’s risk of recidivism on in-
 4 dicators of progress, and of regression that are
 5 dynamic and that can reasonably be expected to
 6 change while in prison;

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

9 “(E) an evaluation of the rates of recidi-
 10 vism among similarly classified prisoners to
 11 identify any unwarranted disparities, including
 12 disparities among similarly classified prisoners
 13 of different demographic groups, in such rates;

14 “(5) make any revisions or updates to the risk
 15 and needs assessment system that the Attorney Gen-
 16 eral determines appropriate pursuant to the review
 17 under paragraph (4), including updates to ensure
 18 that any disparities identified in paragraph (4)(E)
 19 are reduce to the greatest extent possible; and

20 “(6) report to Congress in accordance with sec-
 21 tion 3634.

22 **“§ 3632. Development of risk and needs assessment**
 23 **system**

24 “(a) IN GENERAL.—Not later than 180 days after
 25 the date of the enactment of the FIRST STEP Act, the

1 Attorney General shall develop and release a risk and
2 needs assessment system (referred to in this subchapter
3 as the ‘System’), which shall be used to—

4 “(1) determine the recidivism risk of each pris-
5 oner as part of the intake process, and classify each
6 prisoner as having minimum, low, medium, or high
7 risk for recidivism;

8 “(2) assess and determine, to the extent prac-
9 ticable, the risk of violent or serious misconduct of
10 each prisoner;

11 “(3) determine the type, amount, and intensity
12 of evidence-based recidivism reduction programs that
13 are appropriate for each prisoner and assign each
14 prisoner to such programs accordingly, and based on
15 the prisoner’s specific criminogenic needs, and in ac-
16 cordance with subsection (b);

17 “(4) reassess the recidivism risk of each pris-
18 oner periodically and reassign the prisoner to appro-
19 priate evidence-based recidivism reduction programs
20 or productive activities based on the revised deter-
21 mination to ensure that—

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

1 “(B) to address the specific criminogenic
2 needs of the prisoner; and

3 “(C) all prisoners are able to successfully
4 participate in such programs;

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

9 “(6) determine when a prisoner is ready to
10 transfer into prerelease custody in accordance with
11 section 3624(c).

12 In carrying out this subsection, the Attorney General may
13 use existing risk and needs assessment tools, as appro-
14 priate.

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

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

23 “(2) information on the best ways that the Bu-
24 reau of Prisons can tailor the programs to the spe-
25 cific criminogenic needs of each prisoner so as to

1 most effectively lower each prisoner’s risk of recidi-
2 vism.

3 “(c) HOUSING AND ASSIGNMENT DECISIONS.—The
4 System shall provide guidance on program grouping and
5 housing assignment determinations and, after accounting
6 for the safety of each prisoner and other individuals at
7 the prison, provide that prisoners with a similar risk level
8 be grouped together in housing and assignment decisions
9 to the extent practicable.

10 “(d) EVIDENCE-BASED RECIDIVISM REDUCTION
11 PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES RE-
12 WARDS.—The System shall provide incentives and rewards
13 for prisoners to participate in and complete evidence-based
14 recidivism reduction programs as follows:

15 “(1) PHONE AND VISITATION PRIVILEGES.—A
16 prisoner who is successfully participating in an evi-
17 dence-based recidivism reduction program shall re-
18 ceive—

19 “(A) phone privileges, or, if available, video
20 conferencing privileges, for up to 30 minutes
21 per day, and up to 510 minutes per month; and

22 “(B) additional time for visitation at the
23 prison, as determined by the warden of the pris-
24 on.

1 “(2) TRANSFER TO INSTITUTION CLOSER TO
2 RELEASE RESIDENCE.—A prisoner who is success-
3 fully participating in an evidence-based recidivism
4 reduction program shall be considered by the Bu-
5 reau of Prisons for placement in a facility closer to
6 the prisoner’s release residence upon request from
7 the prisoner and subject to—

8 “(A) bed availability at the transfer facil-
9 ity;

10 “(B) the prisoner’s security designation;
11 and

12 “(C) the recommendation from the warden
13 of the prison at which the prisoner is incarcer-
14 ated at the time of making the request.

15 “(3) ADDITIONAL POLICIES.—The Director of
16 the Bureau of Prisons shall develop additional poli-
17 cies to provide appropriate incentives for successful
18 participation and completion of evidence-based re-
19 cidivism reduction programming. Such incentives
20 shall include not less than two of the following:

21 “(A) Increased commissary spending limits
22 and product offerings.

23 “(B) Extended opportunities to access the
24 email system.

1 “(C) Consideration of transfer to preferred
2 housing units (including transfer to different
3 prison facilities).

4 “(D) Other incentives solicited from pris-
5 oners and determined appropriate by the Direc-
6 tor.

7 “(4) TIME CREDITS.—

8 “(A) IN GENERAL.—A prisoner, except for
9 an ineligible prisoner under subparagraph (D),
10 who successfully completes evidence-based re-
11 cidivism reduction programming or productive
12 activities, shall earn time credits as follows:

13 “(i) A prisoner shall earn 10 days of
14 time credits for every 30 days of successful
15 participation in evidence-based recidivism
16 reduction programming or productive ac-
17 tivities.

18 “(ii) A prisoner determined by the
19 Bureau of Prisons to be at a minimum or
20 low risk for recidivating, who, over two
21 consecutive assessments, has not increased
22 their risk of recidivism, shall earn an addi-
23 tional 5 days of time credits for every 30
24 days of successful participation in evi-

1 dence-based recidivism reduction program-
2 ming or productive activities.

3 “(B) AVAILABILITY.—A prisoner may not
4 earn time credits under this paragraph for an
5 evidence-based recidivism reduction program
6 that the prisoner successfully completed—

7 “(i) prior to the date of the enactment
8 of this Act;

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

12 “(iii) if that prisoner is an inadmis-
13 sible or deportable alien under the immi-
14 gration laws (as such term is defined in
15 section 101 of the Immigration and Na-
16 tionality Act (8 U.S.C. 1101)).

17 “(C) APPLICATION OF TIME CREDITS TO-
18 WARD PRE-RELEASE CUSTODY.—Time credits
19 earned under this paragraph by prisoners who
20 successfully participate in recidivism reduction
21 programs or productive activities and who have
22 been determined to be at minimum risk or low
23 risk for recidivating pursuant to their last two
24 reassessments shall be applied toward time in
25 pre-release custody. The Director of the Bureau

1 of Prisons shall transfer prisoners described in
2 this subparagraph into prerelease custody, ex-
3 cept that the Director of the Bureau of Prisons
4 may deny such a transfer if the warden of the
5 prison finds by clear and convincing evidence
6 that the prisoner should not be transferred into
7 prerelease custody based only on evidence of the
8 prisoner's actions after the conviction of such
9 prisoner and not based on evidence from the
10 underlying conviction, and submits a detailed
11 written statement regarding such finding to the
12 Director of the Bureau of Prisons.

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

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

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

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

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

5 “(v) Section 351, relating to Congres-
6 sional, Cabinet, and Supreme Court assas-
7 sination, kidnapping, and assault.

8 “(vi) Section 793, relating to gath-
9 ering, transmitting, or losing defense infor-
10 mation.

11 “(vii) Section 794, relating to gath-
12 ering or delivering defense information to
13 aid a foreign government.

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

19 “(ix) Section 842(p), relating to dis-
20 tribution of information relating to explo-
21 sive, destructive devices, and weapons of
22 mass destruction, but only if the conviction
23 involved a weapon of mass destruction (as
24 defined in section 2332a(c)(2) of such
25 title).

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

4 “(xi) Section 924(e), relating to un-
5 lawful possession of a firearm by a person
6 with 3 or more convictions for a violent fel-
7 ony.

8 “(xii) Section 1030(a)(1), relating to
9 fraud and related activity in connection
10 with computers.

11 “(xiii) Any section of chapter 51, re-
12 lating to homicide, except for section 1112
13 (relating to manslaughter), 1113 (relating
14 to attempt to commit murder or man-
15 slaughter, but only if the conviction was
16 for an attempt to commit manslaughter),
17 1115 (relating to misconduct or neglect of
18 ship officers), or 1122 (relating to protec-
19 tion against the human immunodeficiency
20 virus).

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

23 “(xv) Any offense under chapter 77,
24 relating to peonage, slavery, and traf-

1 ficking in persons, except for sections 1592
2 through 1596.

3 “(xvi) Section 1751, relating to Presi-
4 dential and Presidential staff assassina-
5 tion, kidnapping, and assault.

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

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

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

16 “(xx) Section 2118(c)(2), relating to
17 robberies and burglaries involving con-
18 trolled substances resulting in death.

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

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

24 “(xxiii) Any section of chapter 109A,
25 relating to sexual abuse, except that with

1 regard to section 2244, only a conviction
2 under subsection (c) of that section (relat-
3 ing to abusive sexual contact involving
4 young children) shall make a prisoner in-
5 eligible under this subparagraph.

6 “(xxiv) Section 2251, relating to the
7 sexual exploitation of children.

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

10 “(xxvi) Any of paragraphs (1)
11 through (3) of section 2252(a), relating to
12 certain activities relating to material in-
13 volving the sexual exploitation of minors.

14 “(xxvii) A second or subsequent con-
15 viction under any of paragraphs (1)
16 through (6) of section 2252A(a), relating
17 to certain activities relating to material
18 constituting or containing child pornog-
19 raphy.

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

24 “(xxix) Section 2283, relating to the
25 transportation of explosive, biological,

1 chemical, or radioactive or nuclear mate-
2 rials.

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

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

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

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

14 “(xxxiv) Section 2381, relating to
15 treason.

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

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

23 “(xxxvii) Section 92 of the Atomic
24 Energy Act of 1954 (42 U.S.C. 2122), re-

1 relating to prohibitions governing atomic
2 weapons.

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

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

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

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

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

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

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

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

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

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

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

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

19 “(5) RISK REASSESSMENTS AND LEVEL AD-
20 JUSTMENT.—A prisoner who successfully partici-
21 pates in evidence-based recidivism reduction pro-
22 gramming or productive activities shall receive peri-
23 odic risk reassessments not less often than annually,
24 and a prisoner determined to be at a medium or
25 high risk of recidivating and who has less than 5

1 years until his or her projected release date shall re-
2 ceive more frequent risk reassessments. If the reas-
3 sessment shows that the prisoner’s risk of
4 recidivating or specific needs have changed, the Bu-
5 reau of Prisons shall update the determination of
6 the prisoner’s risk of recidivating or information re-
7 garding the prisoner’s specific needs and reassign
8 the prisoner to appropriate evidence-based recidivism
9 reduction programming or productive activities
10 based on such changes.

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

15 “(A) Section 2118(c)(2) of title 18, United
16 States Code, relating to robberies and bur-
17 glaries involving controlled substances resulting
18 in death.

19 “(e) PENALTIES.—The Director of the Bureau of
20 Prisons shall develop guidelines for the reduction of re-
21 wards and incentives earned under subsection (e) for pris-
22 oners who violate prison rules or evidence-based recidivism
23 reduction program or productive activity rules, which shall
24 provide—

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

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

9 “(3) for a procedure to restore time credits that
10 a prisoner lost as a result of a rule violation based
11 on the prisoner’s individual progress after the date
12 of the rule violation.

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

17 “(1) initial training to educate officers and em-
18 ployees on how to use the System in an appropriate
19 and consistent manner, as well as the reasons for
20 using the System;

21 “(2) continuing education;

22 “(3) periodic training updates; and

23 “(4) a requirement that such officers and em-
24 ployees demonstrate competence in administering

1 the System, including interrater reliability, on a bi-
 2 annual basis.

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

9 **“§ 3633. Evidence-based recidivism reduction pro-**
 10 **gram and recommendations**

11 “Prior to releasing the System, the Attorney General
 12 shall—

13 “(1) review the effectiveness of evidence-based
 14 recidivism reduction programs that exist as of the
 15 date of the enactment of this subchapter in prisons
 16 operated by the Bureau of Prisons;

17 “(2) review available information regarding the
 18 effectiveness of evidence-based recidivism reduction
 19 programs and productive activities that exist in
 20 State-operated prisons throughout the United
 21 States;

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

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

4 “(5) direct the Bureau of Prisons regarding—
5 “(A) evidence-based recidivism reduction
6 programs;

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

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

15 **“§ 3634. Report**

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

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

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

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

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

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

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

20 “(A) The primary offense of conviction.

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

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

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

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

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

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

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

18 “(B) an assessment of the feasibility of ex-
19 panding such programs, consistent with the
20 strategy required under subparagraph (A), with
21 the goal that 5 years after the date of enact-
22 ment of this Act, not less than 75 percent of el-
23 igible minimum and low risk offenders have the
24 opportunity to participate in a prison work pro-
25 gram for not less than 20 hours per week; and

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

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

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

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

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

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

23 **“§ 3635. Definitions**

24 “In this subchapter the following definitions apply:

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

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

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

12 “(C) may include—

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

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

19 “(iii) classes on morals or ethics;

20 “(iv) academic classes;

21 “(v) cognitive behavioral treatment;

22 “(vi) mentoring;

23 “(vii) substance abuse treatment;

24 “(viii) vocational training;

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

1 “(x) civic engagement and reinte-gra-
2 tive community services;

3 “(xi) a prison job, including through a
4 prison work program;

5 “(xii) victim impact classes or other
6 restorative justice programs; and

7 “(xiii) trauma counseling and trauma-
8 informed support programs.

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

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

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

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

24 “(4) PRODUCTIVE ACTIVITY.—The term ‘pro-
25 ductive activity’ means either a group or individual

1 activity that is designed to allow prisoners deter-
 2 mined as having a low or no risk of recidivating to
 3 remain productive and thereby maintain a minimum
 4 or low risk of recidivating, and may include the de-
 5 livery of the programs described in paragraph (1) to
 6 other prisoners.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 for chapter 229 of title 18, United States Code, is amend-
 9 ed by adding at the end the following:

“SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

“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.”.

10 **SEC. 102. IMPLEMENTATION OF SYSTEM AND REC-**
 11 **COMMENDATIONS BY BUREAU OF PRISONS.**

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

15 “(h) IMPLEMENTATION OF RISK AND NEEDS AS-
 16 SESSMENT SYSTEM.—

17 “(1) IN GENERAL.—Not later than 180 days
 18 after the Attorney General completes and releases
 19 the risk and needs assessment system (referred to in
 20 this subsection as the ‘System’) developed under
 21 subchapter D, the Director of the Bureau of Prisons
 22 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 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 Prison Reform and Re-

1 demption Act, the Bureau of Prisons may begin to
 2 expand any evidence-based recidivism reduction pro-
 3 grams and productive activities that exist at a prison
 4 as of such date, and may offer to prisoners who suc-
 5 cessfully participate in such programs and activities
 6 the incentives and rewards described in subchapter
 7 D.

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

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

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

24 “(C) Private entities that will—

1 “(i) deliver vocational training and
2 certifications;

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

6 “(iii) employ prisoners; or

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

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

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

1 “(7) DEFINITIONS.—The terms in this sub-
 2 section have the meaning given those terms in sec-
 3 tion 3635.”.

4 (b) PRERELEASE CUSTODY.—

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

7 (A) in subsection (b)(1)—

8 (i) by striking “, beyond the time
 9 served, of up to 54 days at the end of each
 10 year of the prisoner’s term of imprison-
 11 ment, beginning at the end of the first
 12 year of the term,” and inserting “of up to
 13 54 days for each year of the prisoner’s sen-
 14 tence imposed by the court,”; and

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

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

24 “(g) PRERELEASE CUSTODY FOR RISK AND NEEDS
 25 ASSESSMENT SYSTEM PARTICIPANTS.—

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

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

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

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

18 “(D)(i) has been determined under the
19 System to be a minimum or low risk to
20 recidivate; or

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

1 “(I) the prisoner would not be a dan-
 2 ger to society if transferred to prerelease
 3 custody;

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

8 “(III) the prisoner is unlikely to
 9 recidivate; and

10 “(IV) the transfer of the prisoner to
 11 prerelease custody is otherwise appro-
 12 priate.

13 “(2) TYPES OF PRERELEASE CUSTODY.—A
 14 prisoner shall be placed in prerelease custody as fol-
 15 lows:

16 “(A) HOME CONFINEMENT.—

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

21 “(I) be subject to 24-hour elec-
 22 tronic monitoring that enables the
 23 prompt identification of any violation
 24 of subclause (II);

1 “(II) remain in the prisoner’s
2 residence, except that the prisoner
3 may leave the prisoner’s home in
4 order to, subject to the approval of
5 the Director of the Bureau of Pris-
6 ons—

7 “(aa) perform a job or job-
8 related activities, including an
9 apprenticeship, or participate in
10 job-seeking activities;

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

16 “(cc) perform community
17 service;

18 “(dd) participate in crime
19 victim restoration activities;

20 “(ee) receive medical treat-
21 ment; or

22 “(ff) attend religious activi-
23 ties; and

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

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

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

21 “(iv) DURATION.—Except as provided
22 in paragraph (4), a prisoner who is placed
23 in home confinement shall remain in home
24 confinement until the prisoner has served

1 not less than 85 percent of the prisoner's
2 imposed term of imprisonment.

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

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

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

1 which the prisoner was sentenced, or any portion
2 thereof, in prison.

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

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

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

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

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

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

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

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

1 or any other person. The warden shall provide writ-
 2 ten notice of any such waiver to the person providing
 3 mentoring services and to the prisoner.

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

7 “(h) ALIEN PRISONERS SUBJECT TO DEPORTA-
 8 TION.—If a prisoner who is placed in prerelease custody
 9 is an alien whose deportation was ordered as a condition
 10 of such prerelease custody or who is subject to a detainer
 11 filed by United States Immigration and Customs Enforce-
 12 ment for the purposes of determining the alien’s deport-
 13 ability, United States Immigration and Customs Enforce-
 14 ment shall take custody of the alien upon the alien’s trans-
 15 fer to prerelease custody.”.

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

22 **SEC. 103. GAO REPORT.**

23 Not later than 2 years after the Director of the Bu-
 24 reau of Prisons implements the risk and needs assessment
 25 system under section 3621 of title 18, United States Code,

1 and every 2 years thereafter, the Comptroller General of
2 the United States shall conduct an audit of the use of the
3 risk and needs assessment system at Bureau of Prisons
4 facilities. The audit shall include analysis of the following:

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

8 (2) Whether the Bureau of Prisons is able to
9 offer recidivism reduction programs and productive
10 activities (as such terms are defined in section 3635
11 of title 18, United States Code).

12 (3) Whether the Bureau of Prisons is offering
13 the type, amount, and intensity of recidivism reduc-
14 tion programs and productive activities for prisoners
15 to earn the maximum amount of time credits for
16 which they are eligible.

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

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

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

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

5 (8) The rates of recidivism among similarly
6 classified prisoners to identify any unwarranted dis-
7 parities, including disparities among similarly classi-
8 fied prisoners of different demographic groups, in
9 such rates.

10 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

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

18 (b) SAVINGS.—Any savings associated with reduc-
19 tions in recidivism that result from this title should be
20 reinvested—

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

23 (2) ensuring eligible prisoners have access to
24 such programs and productive activities offered by
25 the Bureau of Prisons.

1 **SEC. 105. RULE OF CONSTRUCTION.**

2 Nothing in this Act, or the amendments made by this
3 Act, may be construed to provide authority to place a pris-
4 oner in prerelease custody who is serving a term of impris-
5 onment pursuant to a conviction for an offense under the
6 laws of one of the 50 States, or of a territory or possession
7 of the United States.

8 **TITLE II—BUREAU OF PRISONS**
9 **SECURE FIREARMS STORAGE**

10 **SEC. 201. SHORT TITLE.**

11 This title may be cited as the “Lieutenant Osvaldo
12 Albarati Correctional Officer Self-Protection Act of
13 2018”.

14 **SEC. 202. SECURE FIREARMS STORAGE.**

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

18 **“§ 4050. Secure firearms storage**

19 “(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

“4050. Secure firearms storage.”.

1 **TITLE III—RESTRAINTS ON**
 2 **PREGNANT PRISONERS PRO-**
 3 **HIBITED**

4 **SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE**
 5 **PERIOD OF PREGNANCY AND POSTPARTUM**
 6 **RECOVERY PROHIBITED.**

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

10 **“§ 4322. Use of restraints on prisoners during the pe-**
 11 **riod of pregnancy, labor, and postpartum**
 12 **recovery prohibited**

13 “(a) PROHIBITION.—Except as provided in sub-
 14 section (b), beginning on the date on which pregnancy is
 15 confirmed by a healthcare professional, and ending at the
 16 conclusion of postpartum recovery, a prisoner in the cus-
 17 tody of the Bureau of Prisons, or in the custody of the
 18 United States Marshals Service pursuant to section 4086,
 19 shall not be placed in restraints.

20 “(b) EXCEPTIONS.—

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

23 “(A) an appropriate corrections official, or
 24 a United States marshal, as applicable, makes
 25 a determination that the prisoner—

1 “(i) is an immediate and credible
 2 flight risk that cannot reasonably be pre-
 3 vented by other means; or

4 “(ii) poses an immediate and serious
 5 threat of harm to herself or others that
 6 cannot reasonably be prevented by other
 7 means; or

8 “(B) a health care professional responsible
 9 for the health and safety of the prisoner deter-
 10 mines that the use of restraints is appropriate
 11 for the medical safety of the prisoner.

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

17 “(3) APPLICATION.—

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

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

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

24 “(iii) to restrain a prisoner using
 25 four-point restraints; or

1 “(iv) to attach a prisoner to another
2 prisoner.

3 “(B) MEDICAL REQUEST.—Notwith-
4 standing paragraph (1), upon the request of a
5 healthcare professional who is responsible for
6 the health and safety of a prisoner, a correc-
7 tions official or United States marshal, as ap-
8 plicable, shall refrain from using restraints on
9 the prisoner or remove restraints used on the
10 prisoner.

11 “(c) REPORTS.—

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

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

1 “(B) the details of the use of restraints,
2 including the type of restraints used and length
3 of time during which restraints were used; and

4 “(C) any resulting physical effects on the
5 prisoner observed by or known to the correc-
6 tions official or United States marshal, as ap-
7 plicable.

8 “(2) SUPPLEMENTAL REPORT TO THE DIREC-
9 TOR.—Upon receipt of a report under subsection
10 (c)(1), the healthcare professional responsible for the
11 health and safety of the prisoner may submit to the
12 Director such information as the healthcare profes-
13 sional determines is relevant to the use of restraints
14 on the prisoner.

15 “(3) REPORT TO JUDICIARY COMMITTEES.—

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

1 “(B) PERSONALLY IDENTIFIABLE INFOR-
2 MATION.—The report under this paragraph
3 shall not contain any personally identifiable in-
4 formation of any prisoner.

5 “(d) NOTICE.—Not later than 48 hours after the con-
6 firmation of a prisoner’s pregnancy by a health care pro-
7 fessional, that prisoner shall be notified by an appropriate
8 health care professional, corrections official, or United
9 States marshal, as applicable, of the restrictions on the
10 use of restraints under this section.

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

16 “(f) TRAINING.—

17 “(1) IN GENERAL.—The Director of the Bureau
18 of Prisons and the Director of the United States
19 Marshals Service shall each develop training guide-
20 lines regarding the use of restraints on female pris-
21 oners during the period of pregnancy, labor, and
22 postpartum recovery, and shall incorporate such
23 guidelines into appropriate training programs. Such
24 training guidelines shall include—

1 “(A) how to identify certain symptoms of
2 pregnancy that require immediate referral to a
3 health care professional;

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

6 “(C) in the case that an exception under
7 subsection (b) applies, how to apply restraints
8 in a way that does not harm the prisoner, the
9 fetus, or the neonate;

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

12 “(E) the right of a health care professional
13 to request that restraints not be used, and the
14 requirement under subsection (b)(3)(B) to com-
15 ply with such a request.

16 “(2) DEVELOPMENT OF GUIDELINES.—In de-
17 veloping the guidelines required by paragraph (1),
18 the Directors shall each consult with health care
19 professionals with expertise in caring for women
20 during the period of pregnancy and postpartum re-
21 covery.

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

23 “(1) The term ‘postpartum recovery’ means the
24 twelve-week period, or longer as determined by the
25 healthcare professional responsible for the health

1 and safety of the prisoner, following delivery, and
 2 shall include the entire period that the prisoner is in
 3 the hospital or infirmary.

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

7 “(3) The term ‘prisoner’ means a person who
 8 has been sentenced to a term of imprisonment pur-
 9 suant to a conviction for a Federal criminal offense,
 10 or a person in the custody of the Bureau of Prisons,
 11 including a person in a Bureau of Prisons con-
 12 tracted facility.”.

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

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

17 **TITLE IV—MISCELLANEOUS** 18 **CRIMINAL JUSTICE**

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

20 Subsection (b) of section 3621 of title 18, United
 21 States Code, is amended by striking “shall designate the
 22 place of the prisoner’s imprisonment.” and inserting
 23 “shall designate the place of the prisoner’s imprisonment,
 24 and shall, subject to bed availability, the prisoner’s secu-

1 rity designation, the prisoner’s programmatic needs, and
 2 the prisoner’s mental and medical health needs, place the
 3 prisoner in a facility as close as practicable to the pris-
 4 oner’s primary residence, but, in any case, not more than
 5 500 driving miles from the prisoner’s primary residence.
 6 Subject to bed availability and the prisoner’s security des-
 7 ignation, the Bureau shall transfer prisoners to facilities
 8 that are closer to the prisoner’s primary residence even
 9 if the prisoner is already in a facility within 500 driving
 10 miles of that residence, unless the prisoner chooses to re-
 11 main at his or her current facility.”.

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

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

19 **SEC. 403. FEDERAL PRISONER REENTRY INITIATIVE REAU-**
 20 **THORIZATION; MODIFICATION OF IMPOSED**
 21 **TERM OF IMPRISONMENT.**

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

25 (1) in paragraph (1)—

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

4 (B) in subparagraph (B), by inserting “,
 5 upon written request from either the Bureau of
 6 Prisons or an eligible elderly offender or eligible
 7 terminally ill offender” after “to home deten-
 8 tion”;

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

11 (3) in paragraph (3)—

12 (A) by striking “at least one Bureau of
 13 Prisons facility” and inserting “Bureau of Pris-
 14 ons facilities”; and

15 (B) by striking “and shall be carried out
 16 during fiscal years 2009 and 2010” and insert-
 17 ing “and shall be carried out during fiscal years
 18 2019 through 2022”;

19 (4) in paragraph (4)—

20 (A) by inserting “or eligible terminally ill
 21 offender” after “each eligible elderly offender”;
 22 and

23 (B) by inserting “and eligible terminally ill
 24 offenders” after “eligible elderly offenders”;
 25 and

1 (5) in paragraph (5)—

2 (A) in subparagraph (A)—

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

5 (ii) in clause (ii)—

6 (I) by striking “the greater of 10
7 years or”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(d) NOTIFICATION REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (1) in paragraph (1)—

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

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

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

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

6 (b) DUTIES OF THE BUREAU OF PRISONS.—Section
 7 4042(a) of title 18 of the United States Code, is amend-
 8 ed—

9 (1) by redesignating paragraph (D) as para-
 10 graph (6); and

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

12 (A) in clause (i)—

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

15 (ii) by striking “and” at the end;

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

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

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

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

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

6 **SEC. 405. MISCELLANEOUS.**

7 (a) REPEAL.—Section 4351 of title 18, United States
8 Code, is repealed.

9 (b) CONFORMING AMENDMENT.—Section 4352 of
10 title 18, United States Code, is amended in subsection (a),
11 by striking “National Institution of Corrections” and in-
12 serting “National Institute of Justice”.

13 (c) STRIKE RELATED TO FUNCTIONS OF THE NA-
14 TIONAL INSTITUTE OF CORRECTIONS.—The Department
15 of Justice Appropriations Act, 1997 (Title I, Div. A, Pub-
16 lic Law 104–208, 110 Stat. 3009–11) is amended under
17 the heading “Federal Prison System, Salaries and Ex-
18 penses” by striking the eighth proviso (pertaining to the
19 budget and functions of the National Institute of Correc-
20 tions).

21 **SEC. 406. EXPANDING INMATE EMPLOYMENT THROUGH**
22 **FEDERAL PRISON INDUSTRIES.**

23 (a) NEW MARKET AUTHORIZATIONS.—Chapter 307
24 of title 18, United States Code, is amended by inserting
25 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 that 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 related 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. 407. 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. 408. 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. 409. PILOT PROGRAMS.**

13 (a) IN GENERAL.—The Bureau of Prisons shall es-
14 tablish each of the following pilot programs for 2 years,
15 in at least 10 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. 411. 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 metha-
2 done or buprenorphine while in custody in order to
3 manage withdrawal or to continually treat substance
4 dependence and abuse.

5 (6) The number of prisoners who were receiving
6 methadone or buprenorphine therapy prior to the
7 commencement of their term of imprisonment.

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

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

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

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

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

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

1 (13) The vacancy rate for medical and health
2 care staff positions, and average length of such a va-
3 cancy.

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

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

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

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

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

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

22 (20) The number of aliens in prison during the
23 previous year.

24 (21) For each Bureau of Prisons facility, the
25 total number of violations that resulted in reductions

1 in rewards, incentives, or time credits, the number
2 of such violations for each category of violation, and
3 the demographic breakdown of the prisoners who
4 have received such reductions.

5 (22) The number of assaults on Bureau of Pris-
6 on staff by prisoners and the number of criminal
7 prosecutions of prisoners for assaulting Bureau of
8 Prison staff.

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

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

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

22 (26) The breakdown of prisoners classified at
23 each risk level by demographic characteristics, in-
24 cluding age, sex, race, and the length of the sentence
25 imposed.

1 (b) REPORT TO JUDICIARY COMMITTEES.—Begin-
2 ning not later than one year after the date of the enact-
3 ment of this Act, and annually thereafter for a period of
4 7 years, the Director of the Bureau of Justice Statistics
5 shall submit a report containing the information described
6 in paragraphs (1) through (26) of subsection (a) to the
7 Committees on the Judiciary of the House of Representa-
8 tives and of the Senate.

9 **SEC. 412. HEALTHCARE PRODUCTS.**

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

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

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

20 **SEC. 413. PRISON RAPE ELIMINATION STANDARDS AUDI-**
21 **TORS.**

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

25 “(8) STANDARDS FOR AUDITORS.—

1 “(A) IN GENERAL.—

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

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

20 “(iii) AUDITOR EVALUATION.—The
21 PREA Management Office of the Bureau
22 of Justice Assistance shall evaluate all
23 auditors based on the criteria contained in
24 the certification agreement. In the case
25 that an auditor fails to comply with a cer-

1 tification agreement or to conduct audits
2 in accordance with the PREA Auditor
3 Handbook, audit methodology, and instru-
4 ment approved by the PREA Management
5 Office, the Office may take remedial or
6 disciplinary action, as appropriate, includ-
7 ing decertifying the auditor in accordance
8 with subparagraph (B).

9 “(B) AUDITOR DECERTIFICATION.—

10 “(i) IN GENERAL.—The PREA Man-
11 agement Office may suspend an auditor’s
12 certification during an evaluation of an
13 auditor’s performance under subparagraph
14 (A)(iii). The PREA Management Office
15 shall promptly publish the names of audi-
16 tors who have been decertified, and the
17 reason for decertification. Auditors who
18 have been decertified or are on suspension
19 may not participate in audits described in
20 subsection (a), including as an agent of a
21 certified auditor.

22 “(ii) NOTIFICATION.—In the case that
23 an auditor is decertified, the PREA Man-
24 agement Office shall inform each facility or
25 agency at which the auditor performed an

1 audit during the relevant three-year audit
2 cycle, and may recommend that the agency
3 repeat any affected audits, if appropriate.

4 “(C) AUDIT ASSIGNMENTS.—The PREA
5 Management Office shall establish a system, to
6 be administered by the Office, for assigning cer-
7 tified auditors to Federal, State, and local fa-
8 cilities.

9 “(D) DISCLOSURE OF DOCUMENTATION.—
10 The Director of the Bureau of Prisons shall
11 comply with each request for documentation
12 necessary to conduct an audit under subsection
13 (a), which is made by a certified auditor in ac-
14 cordance with the provisions of the certification
15 agreement described in subparagraph (A)(ii).
16 The Director of the Bureau of Prisons may re-
17 quire an auditor to sign a confidentiality agree-
18 ment or other agreement designed to address
19 the auditor’s use of personally identifiable infor-
20 mation, except that such an agreement may not
21 limit an auditor’s ability to provide all such doc-
22 umentation to the Department of Justice, as re-
23 quired under section 115.401(j) of title 28,
24 Code of Federal Regulations.”.

1 **SEC. 414. ADULT AND JUVENILE COLLABORATION PRO-**
2 **GRAMS.**

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

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

7 (2) in subsection (e), by striking “may use up
8 to 3 percent” and inserting “shall use not less than
9 6 percent”; and

10 (3) by amending subsection (g) to read as fol-
11 lows:

12 “(g) **COLLABORATION SET ASIDE.**—The Attorney
13 General shall use not less than 8 percent of funds appro-
14 priated to provide technical assistance to State and local
15 governments receiving grants under this part to foster col-
16 laboration between such governments in furtherance of the
17 purposes set forth in section 3 of the Mentally Ill Offender
18 Treatment and Crime Reduction Act of 2004 (34 U.S.C.
19 10651 note).”.

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