

SECOND CHANCE ACT OF 2007

MAY 9, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1593]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1593) to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1593, the “Second Chance Act of 2007,” is intended to reduce recidivism, increase public safety, and help State and local governments better address the growing population of ex-offenders

returning to their communities. The bill focuses on four areas: development and support of programs that provide alternatives to incarceration, expansion of the availability of substance abuse treatment, strengthening families of ex-offenders, and the expansion of comprehensive re-entry services.

BACKGROUND AND NEED FOR THE LEGISLATION

Re-entry refers to the return to the community of incarcerated individuals from America's jails and prisons, and their reintegration into society. There is a pressing need to provide these men and women with the education and training necessary to obtain and hold steady jobs, undergo drug treatment, and get medical and mental health services. Despite these needs, however, ex-offenders are confronted with the "prison after imprisonment"—a web of obstacles that limit their housing options, employment prospects, access to healthcare, and potential for family reunification. These obstacles have substantially contributed to the historically high rate of recidivism: two-thirds of returning prisoners are re-arrested for new crimes within 3 years or their release.

While the Nation's crime rates have fallen over the last decade, there has been an unprecedented explosion in prison and jail populations. In 2003, more than 2 million people were incarcerated in Federal or State prisons or in local jails.¹ Each year, more than 650,000 people are released from State and Federal prisons to communities nationwide.² An additional 4 million Americans are on probation or parole. The Federal prison population has increased more than seven-fold over the past 20 years. In 1984, the population was about 25,000 prisoners. Today, there are more than 175,000 prisoners, and that population continues to increase, particularly among women. According to the Federal Bureau of Prisons (BOP), the primary reasons for this tremendous growth are longer sentences, resulting from the 1984 Sentencing Reform Act, and mandatory minimum sentences.³ According to the Bureau of Justice Statistics, expenditures on corrections alone increased from \$9 billion in 1982 to more than \$50 billion today. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

There are a number of complex issues that relate to the re-entry of these prisoners into society, including the skills of the former inmates, the rehabilitation services made available to them while they were in prison, the need for drug treatment, and the overall risk of recidivism. The statistics underlying these issues are troublesome: 15 to 27 percent of prisoners go to homeless shelters upon release from prison; after 1 year of release, up to 60 percent of former inmates are not employed. In addition, 57 percent of Fed-

¹ Over 5,600,000 American adults have spent time in a State or Federal prison. If incarceration rates remain unchanged, 6.6 percent of Americans born in 2001 will go to prison at some time during their lifetime. A total of 6,700,000 Americans were under some form of criminal justice supervision by the end of 2002.

² Approximately 100,000 juveniles (ages 17 and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent.

³ The Sentencing Reform Act established determinate sentencing, abolished parole, and dramatically reduced good time credits. Other sentencing policy by congressional or administrative action has increasingly limited the discretion of judges and prison officials to impact sentence lengths or confinement options.

eral and 70 percent of State inmates used drugs regularly before prison, with some estimates of involvement with drugs or alcohol around the time of the offense as high as 84 percent. This figure is twice the estimated drug use of the total United States population, 40 percent.⁴

Evidence indicates that the drug- and alcohol-treatment needs of the prison population are not being met under the current system. A Bureau of Justice Statistics analysis revealed that only 33 percent of Federal and 36 percent of State inmates had participated in residential inpatient treatment programs for alcohol and drug abuse within 12 months of their release. Further, more than one-third of all jail inmates have some physical or mental disability, and 25 percent of jail inmates have been treated at some time for a mental or emotional problem. The high prevalence of infectious disease, substance abuse, and mental health disorders that has been found in incarcerated populations requires the implementation of a comprehensive model of treatment to address the substantial needs of this population.

Beyond the individual impact of imprisonment, however, one of the most significant costs of prisoner re-entry is the impact on children, the weakened ties among family members, and destabilized communities. According to the 2001 national data from the Bureau of Justice Statistics, 3.5 million parents were supervised by the correctional system. Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children. The long-term generational effects of a social structure in which imprisonment is the norm, and law-abiding role models are absent, are difficult to measure but undoubtedly exist.

Implementing, assessing, revising and improving re-entry programs will require a long-term, sustained effort. The transition from prison life is inherently difficult, especially for individuals who have served a lengthy sentence and received little preparation for life in law-abiding society. In an effort to reduce recidivism rates and to improve opportunities for released inmates, the Federal Government established and funded the Serious and Violent Offender Re-entry Initiative (SVORI), a collaborative Federal effort established in 2003 to improve outcomes for adult and juvenile inmates returning to their communities. SVORI grants were awarded to 69 grantees in the 50 States, the District of Columbia, and the U.S. Virgin Islands.⁵ These sites developed 89 programs targeting adult and juvenile correctional populations.

SVORI funding supported the creation of a three-phase continuum of services that begins in prison, focuses on re-entry preparation just prior to release and in the early months out of prison, and continues for a year or more as people take on more productive and independent roles in the community. As fully implemented, the SVORI program incorporated assessment, services, and programming for individuals while they are incarcerated, under supervision in the community, and once released from supervision.

As a matter of policy, it is important to control expectations with regard to re-entry programming. Notwithstanding the existence of poorly designed evaluations implying that programs are reducing

⁴ Bureau of Justice Statistics, Trends in State Parole, 1990–2000.

⁵ As noted in its factual findings, this legislation seeks to build on the Serious and Violent Offender Re-entry Initiative, which expired after FY 2005.

recidivism by 50 percent or even 90 percent, there is a growing body of evidence-based research suggesting that re-entry initiatives have been successful in lowering recidivism rates. The Washington State Institute for Public Policy reports that most of the successful programs can credibly claim a 5 percent to 20 percent reduction in re-arrest rates.⁶ Even such modest reductions, if broadly realized, imply substantial crime reductions when applied to the millions of arrests each year. These existing programs, however, have not been widely enough available, limiting their impact on the overall recidivism rate.

A review of 291 rigorous evaluations of adult correctional programs found some approaches that appear to be working in terms of reducing recidivism and other programs that were less successful. According to the Washington State Institute for Public Policy, the following programs have shown success:

- Adult drug courts;
- In-prison therapeutic communities;
- Cognitive-behavioral drug treatment in prison;
- Community-based drug treatment;
- Jail-based drug treatment;
- General and specific cognitive-behavioral programs in prison;
- Cognitive-behavioral treatment for sex offenders (in prison or in the community);
- Treatment-oriented, intensive community supervision programs;
- Correctional industry programs in prison;
- Basic adult education programs in prison;
- Employment training and job assistance in the community; and
- Vocational education programs in prison.

Approaches for which additional research and development are needed include:

- Case management in the community for drug offenders;
- Therapeutic communities for mentally ill offenders;
- Faith-based programs;
- Domestic violence courts;
- A variety of approaches for managing sex offenders in the community, including intensive supervision, mixed treatment, medical treatment, and faith-based treatment;
- Regular parole supervision versus no parole supervision;
- Day fines rather than traditional probation; and
- Work release.

This research provides support for a continuing focus on all of these types of programs in an effort to improve the re-entry process. Importantly, this research suggests that a number of popular programs, such as boot camps and electronic monitoring, are not effective in reducing recidivism.

⁶Steve Aos, Marna Miller & Elizabeth Drake, Evidence-based Adult Corrections Programs: What Works and What Does Not, Washington State Institute for Public Policy (2006).

The Second Chance Act will strengthen overall efforts to reduce recidivism, increase public safety, and help States and communities to better address the growing population of ex-offenders returning to their communities. The bill focuses on development and support of programs that provide alternatives to incarceration, expand the availability of substance abuse treatment, strengthen families, and expand comprehensive re-entry services. The bill is a product of multi-year bipartisan negotiations and enjoys support from across the political spectrum.

The family-centered programs are one of the hallmarks of this legislation. Family-based treatment programs, for example, have proven effectiveness in serving the special population of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that, at 6 months post-treatment, 60 percent of the mothers remained alcohol and drug free, and drug related offenses had declined from 28 to 7 percent. Additionally, a 2003 evaluation of residential family based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

Experts and policymakers have observed that the substantial issues raised by re-entry are not susceptible to being fixed on the cheap. The preponderance of funding, however, still flows toward incarceration, rather than rehabilitation programs. BJS estimates that in 2001 State governments spent on average \$22,650 per inmate per year on operating costs. This amount primarily covered security—which protects the public from the inmates, the correctional officers from the inmates and the inmates from each other—and not programming. Prior to its passage, there were complaints about the anticipated cost of the SVORI program. At \$130 million, however, the appropriation represented less than \$200 for each of the more than 650,000 people released into the community each year. The Second Chance Act represents a similarly modest commitment.

HEARINGS

The Committee's Subcommittee on Crime, Terrorism, and Homeland Security held 1 day of hearings on H.R. 1593 on March 20, 2007. Testimony was received from five witnesses: Stefan LoBuglio, Chief, Pre-Release and Re-entry Services, Montgomery County, MD, Department of Correction and Rehabilitation; Steve Lufburrow, President and CEO, Goodwill Industries of Houston, TX; George McDonald, President, Doe Fund, Inc.; Dr. Roger H. Peters, Ph.D, Chairman and Professor, Department of Mental Health Law and Policy, University of South Florida; and Jack G. Cowley, National Director, Alpha USA—Prisons & Re-Entry.

COMMITTEE CONSIDERATION

On March 27, 2007, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill H.R. 1593 favorably reported, by voice vote, a quorum being present. On

March 28, 2007, the Committee met in open session and ordered the bill favorably reported without amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during the Committee's consideration of H.R. 1593.

1. An amendment offered by Mr. Chabot to require mandatory restitution by a convicted defendant for all pecuniary loss to identifiable crime victims. The amendment failed by a vote of 16 to 20.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman		X	
Mr. Berman		X	
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren		X	
Ms. Jackson Lee		X	
Ms. Waters		X	
Mr. Meehan		X	
Mr. Delahunt		X	
Mr. Wexler		X	
Ms. Sánchez		X	
Mr. Cohen		X	
Mr. Johnson		X	
Mr. Gutierrez			
Mr. Sherman		X	
Mr. Weiner		X	
Mr. Schiff		X	
Mr. Davis		X	
Ms. Wasserman Schultz		X	
Mr. Ellison		X	
Mr. Smith (Texas)	X		
Mr. Sensenbrenner, Jr.			
Mr. Coble	X		
Mr. Gallegly	X		
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Lungren	X		
Mr. Cannon	X		
Mr. Keller	X		
Mr. Issa	X		
Mr. Pence	X		
Mr. Forbes	X		
Mr. King	X		
Mr. Feeney	X		
Mr. Franks	X		
Mr. Gohmert	X		
Mr. Jordan	X		
Total	16	20	

2. A second degree amendment offered by Mr. Scott to a rule of construction amendment offered by Mr. Gohmert. The second degree amendment would add a prohibition against discrimination based on race, color, creed, religion, national origin, or sex to the underlying amendment's prohibition on discrimination against

faith-based institutions. The second degree amendment passed by a vote of 17 to 11 and the underlying amendment was withdrawn.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan	X		
Mr. Delahunt	X		
Mr. Wexler	X		
Ms. Sánchez	X		
Mr. Cohen	X		
Mr. Johnson	X		
Mr. Gutierrez			
Mr. Sherman			
Mr. Weiner	X		
Mr. Schiff	X		
Mr. Davis			
Ms. Wasserman Schultz			
Mr. Ellison	X		
Mr. Smith (Texas)			
Mr. Sensenbrenner, Jr.			
Mr. Coble		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Lungren		X	
Mr. Cannon		X	
Mr. Keller		X	
Mr. Issa			
Mr. Pence			
Mr. Forbes			
Mr. King		X	
Mr. Feeney		X	
Mr. Franks		X	
Mr. Gohmert		X	
Mr. Jordan			
Total	17	11	

3. An amendment offered by Mr. Gohmert to highlight the status of faith-based organizations with the broader class of community-based organization named within the legislation. The amendment failed by a vote of 13 to 16.

ROLLCALL NO. 3

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman		X	
Mr. Berman		X	
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren			
Ms. Jackson Lee			
Ms. Waters		X	

ROLLCALL NO. 3—Continued

	Ayes	Nays	Present
Mr. Meehan		X	
Mr. Delahunt			
Mr. Wexler		X	
Ms. Sánchez		X	
Mr. Cohen		X	
Mr. Johnson		X	
Mr. Gutierrez		X	
Mr. Sherman		X	
Mr. Weiner	X		
Mr. Schiff		X	
Mr. Davis			
Ms. Wasserman Schultz		X	
Mr. Ellison		X	
Mr. Smith (Texas)	X		
Mr. Sensenbrenner, Jr.			
Mr. Coble	X		
Mr. Gallegly	X		
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Lungren			
Mr. Cannon	X		
Mr. Keller	X		
Mr. Issa	X		
Mr. Pence			
Mr. Forbes			
Mr. King	X		
Mr. Feeney	X		
Mr. Franks	X		
Mr. Gohmert	X		
Mr. Jordan			
Total	13	16	

4. An amendment offered by Mr. Gohmert to strike programs delivering mental and medical health assessments, education, and housing assistance from eligibility for demonstration project grant funds under the legislation. The amendment failed by a vote of 13 to 14.

ROLLCALL NO. 4

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman		X	
Mr. Berman		X	
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren			
Ms. Jackson Lee			
Ms. Waters		X	
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Sánchez		X	
Mr. Cohen		X	
Mr. Johnson		X	
Mr. Gutierrez		X	
Mr. Sherman		X	
Mr. Weiner		X	
Mr. Schiff		X	
Mr. Davis			

ROLLCALL NO. 4—Continued

	Ayes	Nays	Present
Ms. Wasserman Schultz			
Mr. Ellison		X	
Mr. Smith (Texas)	X		
Mr. Sensenbrenner, Jr.			
Mr. Coble	X		
Mr. Gallegly			
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Lungren			
Mr. Cannon	X		
Mr. Keller	X		
Mr. Issa	X		
Mr. Pence	X		
Mr. Forbes	X		
Mr. King	X		
Mr. Feeney			
Mr. Franks	X		
Mr. Gohmert	X		
Mr. Jordan	X		
Total	13	14	

5. An amendment offered by Mr. Gohmert creating a rule of construction prohibiting offenders from receiving any form of elective plastic surgery with funds authorized under this legislation. The amendment failed by a vote of 13 to 18.

ROLLCALL NO. 5

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman		X	
Mr. Berman		X	
Mr. Boucher		X	
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren			
Ms. Jackson Lee		X	
Ms. Waters		X	
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler		X	
Ms. Sánchez		X	
Mr. Cohen		X	
Mr. Johnson		X	
Mr. Gutierrez		X	
Mr. Sherman		X	
Mr. Weiner		X	
Mr. Schiff		X	
Mr. Davis			
Ms. Wasserman Schultz		X	
Mr. Ellison		X	
Mr. Smith (Texas)	X		
Mr. Sensenbrenner, Jr.			
Mr. Coble	X		
Mr. Gallegly			
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Lungren			
Mr. Cannon	X		
Mr. Keller	X		
Mr. Issa	X		
Mr. Pence			

ROLLCALL NO. 5—Continued

	Ayes	Nays	Present
Mr. Forbes	X		
Mr. King	X		
Mr. Feeney	X		
Mr. Franks	X		
Mr. Gohmert	X		
Mr. Jordan	X		
Total	13	18	

6. An amendment offered by Mr. Gohmert to strike child early intervention, parental training, counseling, and educational services from the definition of prison-based family treatment programs eligible for grants under this legislation. The amendment failed by a vote of 12 to 18.

ROLLCALL NO. 6

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman		X	
Mr. Berman		X	
Mr. Boucher			
Mr. Nadler		X	
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren			
Ms. Jackson Lee		X	
Ms. Waters		X	
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler		X	
Ms. Sánchez		X	
Mr. Cohen		X	
Mr. Johnson		X	
Mr. Gutierrez		X	
Mr. Sherman		X	
Mr. Weiner		X	
Mr. Schiff		X	
Mr. Davis			
Ms. Wasserman Schultz		X	
Mr. Ellison		X	
Mr. Smith (Texas)	X		
Mr. Sensenbrenner, Jr.			
Mr. Coble		X	
Mr. Gallegly			
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Lungren			
Mr. Cannon		X	
Mr. Keller	X		
Mr. Issa	X		
Mr. Pence	X		
Mr. Forbes	X		
Mr. King	X		
Mr. Feeney	X		
Mr. Franks	X		
Mr. Gohmert	X		
Mr. Jordan	X		
Total	12	18	

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill H.R. 1593, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 17, 2007.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for H.R. 1593, the Second Chance Act of 2007.

The CBO staff contacts for this estimate are Mark Grabowicz (for Federal costs), who can be reached at 226–2860, and Melissa Merrell (for the impact on State and local governments), who can be reached at 225–3220.

Sincerely,

PETER R. ORSZAG,
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.
Ranking Member

H.R. 1593—the Second Chance Act of 2007.

SUMMARY

H.R. 1593 would authorize the appropriation of \$181 million for each of fiscal years 2008 and 2009 for Department of Justice (DOJ) grant programs to improve the treatment of inmates and to help offenders reenter communities after they have served their prison sentences. H.R. 1593 also would authorize the appropriation of \$10 million a year for 2008 and 2009 for Bureau of Prisons (BOP) activities to prepare prisoners for successful reentry into the community. In addition, the bill would authorize the appropriation of such sums as necessary for those two years for DOJ to make grants to

State and local prosecutors to develop drug-treatment programs for offenders that would serve as alternatives to imprisonment.

Assuming appropriation of the authorized and estimated amounts, CBO estimates that implementing H.R. 1593 would cost about \$400 million over the 2008–2012 period. Enacting the bill would not affect direct spending or receipts.

H.R. 1593 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1593 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Programs Authorized by H.R. 1593						
Budget Authority ¹	5	0	0	0	0	0
Estimated Outlays	8	5	4	2	1	0
Proposed Changes:						
DOJ Programs for Offenders						
Authorization Level	0	181	181	0	0	0
Estimated Outlays	0	33	86	92	70	55
BOP Programs						
Authorization Level	0	10	10	0	0	0
Estimated Outlays	0	8	10	2	0	0
Grants to State and Local Prosecutors for Alternatives to Prison Programs						
Estimated Authorization Level	0	20	20	0	0	0
Estimated Outlays	0	4	10	10	7	6
Other Programs						
Estimated Authorization Level	0	3	0	0	0	0
Estimated Outlays	0	1	1	1	0	0
Total Changes						
Estimated Authorization Level	0	214	211	0	0	0
Estimated Outlays	0	46	107	105	77	61
Spending Under H.R. 1593						
Estimated Authorization Level ¹	5	214	211	0	0	0
Estimated Outlays	8	51	111	107	78	61

1. The 2007 level is the amount appropriated for that year for that year for the programs authorized by H.R. 1593.

BASIS OF ESTIMATE

CBO estimates that implementing H.R. 1593 would cost about \$400 million over the 2008–2012 period. For this estimate, CBO assumes that the necessary amounts will be appropriated by the start of each fiscal year and that spending will follow historical patterns for similar activities.

Programs for Offenders

H.R. 1593 would authorize the appropriation of \$181 million for each of fiscal years 2008 and 2009 for DOJ to make grants to State and local governments, territories, Indian tribes, and nonprofit organizations for programs to improve the treatment of prisoners, in-

cluding substance abuse services and educational activities, and assistance to offenders after they have served their prison sentences.

BOP Programs

H.R. 1593 would authorize the appropriation of \$5 million for each of the next two years for BOP to establish a prisoner reentry program and revise reentry procedures already in place. The new program would provide prisoners nearing the completion of their sentences with information about health and nutrition, finding employment, money management, social skills, and the availability of Government resources. The bill also would authorize the appropriation of \$5 million a year for 2008 and 2009 for BOP to establish the Elderly Nonviolent Offender Pilot Program. The program would allow certain nonviolent prisoners over 60 years of age to be placed in home detention for the duration of their sentence.

Grants to State and Local Prosecutors for Alternatives to Prison Programs

H.R. 1593 would authorize the appropriation of such sums as necessary for each of fiscal years 2008 and 2009 for DOJ to make grants to State and local prosecutors to develop drug-treatment programs for offenders that would serve as alternatives to imprisonment. Based on the funding provided in recent years for similar activities such as the Drug Courts program, CBO estimates that this provision would require funding of \$20 million in each year.

Other Programs

H.R. 1593 would direct the National Institute of Justice and the Bureau of Justice Statistics to prepare several studies and reports, mostly on recidivism and other issues relating to the reentry of offenders into the community. Based on the costs of similar activities, CBO estimates that it would cost \$3 million in 2008 to carry out this provision.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 1593 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. Assuming appropriation of authorized amounts, State, local, and tribal governments would receive more than \$350 million over the 2008–2012 period to provide services to certain criminal offenders. Any costs to those governments would be incurred voluntarily as a condition of receiving Federal assistance.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz and Daniel Hoople (226–2860)
Impact on State, Local, and Tribal Governments: Melissa Merrell
(225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1593 will strengthen a variety of programs which will help break the cycle of recidivism laying at the heart of our prison population explosion.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1593 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title.

This section sets forth the short title of the bill as the “Second Chance Act of 2007: Community Safety Through Recidivism Prevention;” or the “Second Chance Act of 2007.”

Sec. 2. Table of Contents.

This section provides a table of contents for the bill.

Sec. 3. Findings.

This section sets forth findings relating to the problem of prisoner re-entry.

Sec. 4. Submission of Reports to Congress.

This section requires the Department of Justice to submit to Congress an annual report by January 31 of each year on prisoner re-entry programs.

Title I—Amendments Related to the Omnibus Crime Control and Safe Streets Act

SUBTITLE A—IMPROVEMENTS TO EXISTING PROGRAMS

Sec. 101. Reauthorization of Adult and Juvenile Offender State and Local Re-entry Demonstration Projects

This section reauthorizes existing adult and juvenile offender State and local re-entry demonstration projects. The reauthorization directs several improvements, including coordination among service providers, supervision services and Re-entry Task Forces, and between State substance abuse agencies and criminal justice agencies. This section also adds or revises requirements for the demonstration programs to include: strengthening of re-entry services; use of mentors; structured post-release housing and transitional housing; continuity of health care services; offering of a continuum of appropriate drug treatment services; collaboration and

coordination among community health care centers, corrections, and community corrections to ensure primary health care services, education, training, and life skills training; collaboration with technical schools and colleges; providing literacy and educational services; promoting family relationships and family support during re-entry; identifying and removing barriers to collaboration with child welfare agencies; expanding family-based treatment programs; conducting pre-release assessments for re-entry services and monitoring of such services; use of validated assessment tools for new re-entry services; encouraging payment of restitution; use of re-entry courts; and assessing availability of veterans benefits for offenders who qualify.

The award of such grants will be prioritized based on applicants that: (1) have the support of the chief executive officer of the State or other entity in coordination with a State-level council on re-entry, local government or Indian tribe; (2) provide evidence of collaboration with State and local government agencies overseeing health, housing, employment services and local law enforcement; (3) explain partnerships with community-based organizations; (4) provide consultation with crime victims; and (5) provide analysis and identification of regulatory and statutory hurdles to a prisoner's reintegration into the community.

Each applicant must develop a comprehensive strategic re-entry plan that contains annual and 5- to 10-year *performance outcomes*. Also, each applicant must identify specific performance outcomes related to the long-term goals of increasing public safety and reducing recidivism.

The section establishes a center to collect data and determine best practices in offender re-entry from demonstration grantees and others agencies and organizations. The center will provide technical assistance and disseminate guidance to the States and other relevant entities.

The section authorizes funding of \$65 million for fiscal years 2008 and 2009.

Sec. 102. Improvement of the Residential Substance Abuse Treatment for State Offenders Program

This section amends the authorizing language for the Residential Substance Abuse Treatment (RSAT) program to require that States provide aftercare services in order to be eligible for funding under the program. Such after-care programs may include case management services and a full continuum of support services. The section also requires that the Justice Department conduct a study and prepare a report on the effectiveness of aftercare services.

SUBTITLE B—NEW AND INNOVATIVE PROGRAMS TO IMPROVE OFFENDER RE-ENTRY SERVICES

Sec. 111. State and Local Re-entry Courts

This section authorizes the creation of State and Local Re-entry Courts, similar to those established for non-violent drug offenders. Such courts would monitor offenders and provide them with access to comprehensive re-entry services and programs. These courts can be implemented as part of an overall Drug Court program. An annual report requirement is included. This section authorizes funding at \$10 million for each fiscal year 2008 and 2009.

Sec. 112. Grants for Comprehensive and Continuous Offender Re-entry Task Forces

This section authorizes a new grant program to create comprehensive and continuous offender re-entry task forces. Such task forces are needed to develop community re-entry plans for each juvenile and adult offender to be released from jail or prison; to supervise and assess the progress of each offender while incarcerated, and as each offender moves through the transitional phases, ultimately leading to their release. The task forces would consult and coordinate with State Authorities for Substance Abuse and criminal justice agencies. The section authorizes funding at \$10 million for each fiscal year 2008 and 2009.

Sec. 113. Prosecution Drug Treatment Alternative to Prison Programs

This section authorizes grants to State and local prosecutors to develop and implement qualified drug treatment programs as alternatives to imprisonment, which require an eligible offender (non-violent offender) to participate in a comprehensive substance abuse treatment program. The offender would be subjected to a term of imprisonment if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the treatment program. If the offender does complete the treatment program, the offender's criminal case may be dismissed. The section authorizes funding of such sums as necessary for fiscal years 2008 and 2009.

Sec. 114. Grants for Family Substance Abuse Treatment Alternatives to Prison

This section authorizes grants to States, local governments, and Indian tribes to develop and implement comprehensive family-based substance abuse treatment programs as alternatives to incarceration for non-violent parent offenders. This section authorizes funding of \$10 million for each fiscal year 2008 and 2009.

Sec. 115. Prison-Based Family Treatment Programs for Incarcerated Parents of Minor Children.

This section authorizes grants to States, local governments, and Indian tribes to develop and implement prison-based, family-based treatment programs for incarcerated parents who have minor children.

Sec. 116. Grant Program to Evaluate Educational Methods at Prisons, Jail, and Juvenile Facilities

This section authorizes grants to States, local governments, Indian tribes and other public and private entities to evaluate and improve academic and vocational education for offenders in prison, jails and juvenile facilities, and then recommend to the Attorney General best practices for such educational programs. This section authorizes funding of \$20 million for each fiscal year 2008 and 2009.

SUBTITLE C—CONFORMING AMENDMENTS

Sec. 121. Use of Violent Offender Truth-In-Sentencing Grant Funding for Demonstration Project Activities

This section authorizes use of violent offender truth-in-sentencing grant funding under Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 for Offender Re-Entry Demonstration Projects.

Title II—Enhanced Drug Treatment and Mentoring Grant Programs

PART I—DRUG TREATMENT

Sec. 201. Grants for Demonstration Drug Treatment Programs to Reduce Drug Use and Recidivism in Long-Term Substance Abusers

This section authorizes grants to eligible partnerships to establish demonstration programs: (1) to reduce the use of alcohol and other drugs by long-term abusers while in prison or jail and until completion of probation or parole; and (2) to provide drug treatment services in the community upon request by an individual suffering from drug addiction. This section authorizes funding of \$5 million for each fiscal year 2008 and 2009.

Sec. 202. Grants for Demonstration Programs by Local Partnerships to Reduce Illegal Drug Demand by Providing Drug Treatment

This section authorizes grants to local groups partnering for the purpose of developing “on request” treatment programs and delivering treatment available through evidence-based models. Treatment “on request” is defined as treatment available fully and immediately to any individual. To qualify, an eligible partnership must include at least two separate entities, which may include Federal, state or local agencies and community-based organizations, and a qualified research component. Pursuant to this section, the Attorney General is required to file an interim and final report on program delivery best practices. This section authorizes \$5 million for each fiscal year 2008 and 2009.

Sec. 203. Offender Drug Treatment Incentive Grants

This section authorizes grants to States, local governments and Indian tribes to improve the availability of drug treatment to offenders in prisons, jails and juvenile facilities. To qualify, an eligible entity would have to show that during the previous fiscal year the entity doubled the number of offenders who actually received drug treatment from the prior fiscal year. Such percentages would be a primary basis under which the Attorney general would prioritize the awarding of grant funds. This section authorizes \$10 million for each fiscal year 2008 and 2009.

Sec. 204. Ensuring Availability and Delivery of New Pharmacological Drug Treatment Services

This section authorizes grants (by the Attorney General, through the National Institute of Justice and in collaboration with the National Institute on Drug Abuse) to States, local governments, Indian tribes and public and private organizations to establish pharmacological drug treatment services as part of available drug treat-

ment programs offered tot offenders how are in prison, jail or a juvenile facility. This section authorizes \$10 million for each fiscal year 2008 and 2009.

Sec. 205. Study of Effectiveness of Depot Naltrexone for Heroin Addiction.

This section authorizes the Attorney General, through the National Institute of Justice and in collaboration with the National Institute on Drug Abuse, to make grants to public and private research entities to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction. This section authorizes \$5 million for each fiscal year 2008 and 2009.

SUBTITLE B—JOB TRAINING

Sec. 211. Technology Careers Training Demonstration Grants

This section authorizes the Attorney General to make grants to States, local governments, and Indian tribes to provide technology career training to prisoners. This section authorizes funding of \$5 million for fiscal year 2008 and 2009.

SUBTITLE C—MENTORING

Sec. 221. Mentoring Grants to Nonprofit Organizations

This section authorizes the Attorney General to make grants to nonprofit organizations to provide mentoring and other transitional services to adult and juvenile offenders reentering the community. This section authorizes \$12 million for each fiscal year 2007 and 2008.

Sec. 222. Bureau of Prisons Policy on Mentoring Contacts

This section directs the Bureau of Prisons to modify, within 90 days of enactment of this Act, its policies to ensure continued assistance by mentors to offenders after release from prison. Existing policies prevent mentors who provide services to offenders while incarcerated to continue such services when the offender is released from prison. This provision would require BOP to modify that policy so that stability and consistency can be provided to the offender.

SUBTITLE D—ADMINISTRATION OF JUSTICE REFORMS

CHAPTER 1—IMPROVING FEDERAL OFFENDER RE-ENTRY

Sec. 231. Federal Prisoner Re-entry Program

This section requires the Director of the Bureau of Prisons to establish a comprehensive prisoner re-entry program. The program also may include incentives for prisoners to participate in the re-entry program.

Sec. 232. Identification and Release Assistance for Federal prisoners

This section requires the Director of Bureau of Prisons to assist prisoners in obtaining identification documents (e.g. Social Security cards, driver's licenses, and birth certificates) prior to release from incarceration.

Sec. 233. Improved Re-entry Procedures for Federal Prisoners

This section requires the Attorney General to reexamine and modify any and all policies and procedures relating to offender transition from the Bureau of Prisons to the community.

Sec. 234. Duties of the Bureau of Prisons

This section requires the Bureau of Prisons to provide pre-release planning procedures for prisoners to ensure eligibility for Federal and State benefits upon release (e.g. Social Security, Medicare, Medicaid, or Veterans benefits); and to support parent-child relationships.

Sec. 235. Authorization of Appropriations for the Bureau of Prisons

This section authorizes funding of \$5 million per fiscal year for 2008 to 2009 to carry out the additional re-entry requirements.

Sec. 236. Encouragement of Employment of Former Prisoners

This section requires the Attorney General, in consultation with the Secretary of Labor, to implement programs to increase the hiring of prisoners, and to educate potential employers of the existing benefits for hiring former prisoners.

Sec. 237. Elderly Non-Violent Offender Pilot Program.

This section authorizes a new pilot program to permit release of certain non-violent offenders over the age of 60, under certain conditions, in order to reduce prison overcrowding and medical care expenses. This section authorizes funding of \$10 million per fiscal year for 2008 and 2009.

CHAPTER 2—RE-ENTRY RESEARCH

Sec. 241. Offender Re-entry Research

This section requires the National Institute of Justice and the Bureau of Justice Standards to conduct research on offender re-entry issues.

Sec. 242. Grants to Study Parole or Post-Incarceration Supervision Violations and Revocations

This section authorizes the Attorney general to award grants to States to evaluate parole and post-supervision procedures, the effectiveness of procedures for resolving violations of parole and supervision conditions, and what standards or procedures could be adopted to improve public safety. The section authorizes funding of \$1 million for each fiscal year 2008 and 2009.

Sec. 243. Addressing the Needs of Children of Incarcerated Parents

This section requires the Attorney General, in consultation with the Secretary of Health and Human Services, to study and develop best practices for communication and coordination between State criminal justice agencies and child welfare agencies to improve the safety and support of children of incarcerated parents, and to maintain the parent-child relationship when the parent is incarcerated.

Sec. 251. Clarification of Authority to Place Prisoner In Community Corrections

This section clarifies existing procedures, and relaxes the maximum period for which an offender may be released into a community correctional facility, prior to release to the community, by affording the Director of the Bureau of Prisons the discretion to place an offender in a halfway house for up to 12 months prior to the offender's release date.

This section also amends section 3561 of title 18, United States Code, to prohibit Federal judges from sentencing defendants to a community correction facility. The section reiterates that the Bureau of Prisons has sole and exclusive authority to designate the facility where prisoners will serve a sentence and to order a transfer from one facility to another. In addition, the Bureau of Prisons has the sole and exclusive authority to determine when and if a prisoner should be transferred or designated to a community correctional facility, which typically occurs near the end of the prisoner's sentence.

Sec. 252. Residential Drug Abuse Program in Federal Prisons

This section amends Section 3621(e)(5)(A) of title 18, United States Code, to strike material and replace a course of individual and group activities and treatment lasting at least 6 months in residential treatment apart from the general population.

Sec. 253. Medical Care for Prisoners

This section amends Section 3621 of title 18, United States Code, to ensure a minimum standard of continuous health and habitability for Federal prisoners, including medical care and access to medicine, during the prisoner's re-entry into the community.

Sec. 254. Contracting for Services for Post-Conviction Supervision Offenders

This section amends section 3672 of title 18 to authorize the Director of the Bureau of Prisons to contract with appropriate public and private agencies to provide offender re-entry services.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF
1968**

* * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * *

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * *

(26) *There are authorized to be appropriated to carry out part DD such sums as may be necessary for each of fiscal years 2008 and 2009.*

* * * * *

PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

* * * * *

SEC. 1902. STATE APPLICATIONS.

(a) * * *

* * * * *

[(c) **AFTERCARE SERVICES REQUIREMENT.**—

[(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with after care services.]

(c) **REQUIREMENT FOR AFTERCARE COMPONENT.**—

(1) *To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under the program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.*

* * * * *

SEC. 1904. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) * * *

* * * * *

[(d) **DEFINITION.**—In this section, the term “residential substance abuse treatment program” means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

[(1) directed at the substance abuse problems of the prisoners;

[(2) intended to develop the prisoner’s cognitive, behavioral, social, vocational and other skills so as to solve the prisoner’s substance abuse and other problems; and

[(3) which may include the use of pharmacotherapies, where appropriate, that may extend beyond the treatment period.]

(d) **RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.**—*In this part, the term “residential substance abuse treat-*

ment program” means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail, which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period.

* * * * *

PART CC—GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES

SEC. 2901. AUTHORIZATION.

The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities for the purpose of establishing and administering task forces (to be known as “Comprehensive and Continuous Offender Reentry Task Forces”), in accordance with this part.

SEC. 2902. COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

(a) *IN GENERAL.*—For purposes of this part, a Comprehensive and Continuous Offender Reentry Task Force is a planning group of a State, unit of local government, territory, or Indian tribe that—

(1) develops a community reentry plan, described in section 2903, for each juvenile and adult offender to be released from a correctional facility in the applicable jurisdiction;

(2) supervises and assesses the progress of each such offender, with respect to such plan, starting on a date before the offender is released from a correctional facility and ending on the date on which the court supervision of such offender ends;

(3) conducts a detailed assessment of the needs of each offender to address employment training, medical care, drug treatment, education, and any other identified need of the offender to assist in the offender’s reentry;

(4) demonstrates affirmative steps to implement such a community reentry plan by consulting and coordinating with other public and nonprofit entities, as appropriate;

(5) establishes appropriate measurements for determining the efficacy of such community reentry plans by monitoring offender performance under such reentry plans;

(6) complies with applicable State, local, territorial, and tribal rules and regulations regarding the provision of applicable services and treatment in the applicable jurisdiction; and

(7) consults and coordinates with the Single State Authority for Substance Abuse (as defined in section 201(e) of the Second Chance Act of 2007) and the criminal justice agencies of the State to ensure that offender reentry plans are coordinated and delivered in the most cost-effective manner, as determined by the Attorney General, in consultation with the grantee.

(b) *CONSULTATION REQUIRED.*—A Comprehensive and Continuous Offender Reentry Task Force for a county or other defined geographic area shall perform the duties described in paragraphs (1) and (2) of subsection (a) in consultation with representatives of—

- (1) *the criminal and juvenile justice and correctional facilities within the county or area;*
- (2) *the community health care services of the county or area;*
- (3) *the drug treatment programs of the county or area;*
- (4) *the employment opportunities available in the county or area;*
- (5) *housing opportunities available in the county or area;*
- and
- (6) *any other appropriate community services available in the county or area.*

SEC. 2903. COMMUNITY REENTRY PLAN DESCRIBED.

For purposes of section 2902(a)(1), a community reentry plan for an offender is a plan relating to the reentry of the offender into the community and, according to the needs of the offender, shall—

- (1) *identify employment opportunities and goals;*
- (2) *identify housing opportunities;*
- (3) *provide for any needed drug treatment;*
- (4) *provide for any needed mental health services;*
- (5) *provide for any needed health care services;*
- (6) *provide for any needed family counseling;*
- (7) *provide for offender case management programs or services; and*
- (8) *provide for any other service specified by the Comprehensive and Continuous Offender Reentry Task Force as necessary for the offender.*

SEC. 2904. APPLICATION.

To be eligible for a grant under this part, a State or other relevant entity shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

SEC. 2905. RULE OF CONSTRUCTION.

Nothing in this part shall be construed as supplanting or modifying a sentence imposed by a court, including any terms of supervision.

SEC. 2906. REPORTS.

An entity that receives funds under this part for a Comprehensive and Continuous Offender Reentry Task Force during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of such Task Force during such fiscal year.

SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

**PART DD—PROSECUTION DRUG TREATMENT
ALTERNATIVE TO PRISON PROGRAMS**

SEC. 2911. GRANT AUTHORITY.

(a) IN GENERAL.—The Attorney General may make grants to State and local prosecutors to develop, implement, or expand quali-

fied drug treatment programs that are alternatives to imprisonment, in accordance with this section.

(b) QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.—For purposes of this part, a qualified drug treatment program is a program—

- (1) that is administered by a State or local prosecutor;*
- (2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State and licensed, if necessary, to provide medical and other health services;*
- (3) that requires an eligible offender to receive the consent of the State or local prosecutor involved to participate in such program;*
- (4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);*
- (5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;*
- (6) that requires each substance abuse provider treating an eligible offender under the program to—*
 - (A) make periodic reports of the progress of the treatment of that offender to the State or local prosecutor involved and to the appropriate court in which the defendant was convicted; and*
 - (B) notify such prosecutor and such court if the offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and*
- (7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor involved, the duties of which shall include verifying an offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such offender to court for sentencing for the crime involved.*

SEC. 2912. USE OF GRANT FUNDS.

(a) IN GENERAL.—A State or local prosecutor who receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

- (1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.*
- (2) Payments for substance abuse treatment providers that are approved by the State and licensed, if necessary, to provide*

alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

(3) Payments to public and nonprofit private entities that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

(b) **SUPPLEMENT AND NOT SUPPLANT.**—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in such subsection.

SEC. 2913. APPLICATIONS.

To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification of the State or local prosecutor that the program for which the grant is requested is a qualified drug treatment program in accordance with this part.

SEC. 2914. FEDERAL SHARE.

The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

SEC. 2915. GEOGRAPHIC DISTRIBUTION.

The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State or local prosecutors—

- (1) in each State; and
- (2) in rural, suburban, and urban jurisdictions.

SEC. 2916. REPORTS AND EVALUATIONS.

For each fiscal year, each recipient of a grant under this part during such fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

SEC. 2917. DEFINITIONS.

In this part:

(1) **STATE OR LOCAL PROSECUTOR.**—The term “State or local prosecutor” means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

(2) **ELIGIBLE OFFENDER.**—The term “eligible offender” means an individual who—

(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

(B) has never been charged with or convicted of an offense, during the course of which—

(i) the person carried, possessed, or used a firearm or dangerous weapon; or

(ii) *there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) or (ii) is an element of the offense or for which the person is charged or convicted;*

(C) *does not have one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and*

(D)(i) *has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and*

(ii) *has been found to be in need of substance abuse treatment because that offender has a history of substance abuse that is a significant contributing factor to that offender's criminal conduct.*

* * * * *

PART FF—OFFENDER REENTRY AND COMMUNITY SAFETY

SEC. 2976. ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to \$1,000,000 to ~~States, Territories, and Indian tribes, in partnership with units of local government and nonprofit organizations, for the purpose of establishing adult and juvenile offender reentry demonstration projects~~ *States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.*

(b) ADULT OFFENDER REENTRY DEMONSTRATION PROJECTS.—Funds for adult offender demonstration projects may be expended for—

- ~~[(1) oversight/monitoring of released offenders;~~
- ~~[(2) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and basic educational training, and other programming to promote effective reintegration into the community as needed;~~
- ~~[(3) convening community impact panels, victim impact panels or victim impact educational classes; and~~
- ~~[(4) establishing and implementing graduated sanctions and incentives.]~~

(1) establishing or improving the system or systems under which—

(A) correctional agencies and other criminal and juvenile justice agencies of the grant recipient develop and carry out plans to facilitate the reentry into the community of each offender in the custody of the jurisdiction involved;

(B) the supervision and services provided to offenders in the custody of the jurisdiction involved are coordinated with the supervision and services provided to offenders

after reentry into the community, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or a juvenile facility;

(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

(3) assessing the literacy, educational, and vocational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

(4) facilitating collaboration among corrections (including community corrections), technical schools, community colleges, businesses, nonprofit, and the workforce development and employment service sectors—

(A) to promote, where appropriate, the employment of people released from prison, jail, or a juvenile facility through efforts such as educating employers about existing financial incentives;

(B) to facilitate the creation of job opportunities, including transitional jobs and time-limited subsidized work experience (where appropriate);

(C) to connect offenders to employment (including supportive employment and employment services before their release to the community), provide work supports (including transportation and retention services), as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

(D) to address obstacles to employment that are not directly connected to the offense committed and the risk that the offender presents to the community and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

(5) providing offenders with education, job training, responsible parenting and healthy relationship skills training (designed specifically to address the needs of fathers and mothers in or transitioning from prison, jail, or a juvenile facility), English literacy education, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison, jail, or a juvenile facility;

(6) providing structured post-release housing and transitional housing (including group homes for recovering substance

abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;

(7) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

(8) providing substance abuse treatment and services, including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services to offenders reentering the community from prison, jail, or a juvenile facility;

(9) expanding family-based drug treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;

(10) encouraging collaboration among juvenile and adult corrections, community corrections, and community health centers to allow access to affordable and quality primary health care for offenders during the period of transition from prison, jail, or a juvenile facility;

(11) providing or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services) to protect the communities in which offenders will live;

(12) enabling prison, jail, or juvenile facility mentors of offenders to remain in contact with those offenders (including through the use of all available technology) while in prison, jail, or a juvenile facility and after reentry into the community, and encouraging the involvement of prison, jail, or a juvenile facility mentors in the reentry process;

(13) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;

(14) creating, developing, or enhancing offender and family assessments, curricula, policies, procedures, or programs (including mentoring programs)—

(A) to help offenders with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities (as appropriate to the safety, security, and well-being of the family), and become non-abusive parents or partners; and

(B) under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with victim service providers;

(15) maintaining the parent-child relationship, as appropriate to the safety, security, and well-being of the child as de-

terminated by the relevant corrections and child protective services agencies, including—

(A) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an offender as part of intake procedures, including the number, age, and location or jurisdiction of such children;

(B) connecting those identified children with services as appropriate and needed;

(C) carrying out programs (including mentoring) that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives (which is commonly referred to as kinship care);

(D) developing programs and activities (including mentoring) that support parent-child relationships, as appropriate to the safety, security, and well-being of the family, including technology to promote the parent-child relationship and to facilitate participation in parent-teacher conferences, books on tape programs, family days, and visitation areas for children while visiting an incarcerated parent;

(E) helping incarcerated parents to learn responsible parenting and healthy relationship skills;

(F) addressing visitation obstacles to children of an incarcerated parent, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies; and

(G) identifying and addressing obstacles to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

(16) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

(17) facilitating and encouraging timely and complete payment of restitution and fines by offenders to victims and the community;

(18) providing services as necessary to victims upon release of offenders, including security services and counseling, and facilitating the inclusion of victims, on a voluntary basis, in the reentry process;

(19) establishing or expanding the use of reentry courts and other programs to—

(A) monitor offenders returning to the community;

(B) provide returning offenders with—

(i) drug and alcohol testing and treatment; and

(ii) mental and medical health assessment and services;

(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

(D) provide and coordinate the delivery of other community services to offenders, including—

(i) employment training;

(ii) education;

- (iii) *housing assistance;*
 - (iv) *children and family support, to include responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;*
 - (v) *conflict resolution skills training;*
 - (vi) *family violence intervention programs; and*
 - (vii) *other appropriate services; and*
 - (E) *establish and implement graduated sanctions and incentives;*
 - (20) *developing a case management reentry program that—*
 - (A) *provides services to eligible veterans, as defined by the Attorney General; and*
 - (B) *provides for a reentry service network solely for such eligible veterans that coordinates community services and veterans services for offenders who qualify for such veterans services; and*
 - (21) *protecting communities against dangerous offenders, including—*
 - (A) *conducting studies in collaboration with Federal research initiatives in effect on the date of enactment of the Second Chance Act of 2007, to determine which offenders are returning to prisons, jails, and juvenile facilities and which of those returning offenders represent the greatest risk to community safety;*
 - (B) *developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;*
 - (C) *using validated assessment tools to assess the risk factors of returning inmates, and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely; and*
 - (D) *developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post-incarceration supervision who represent the greatest risk to community safety.*
- (c) **JUVENILE OFFENDER REENTRY DEMONSTRATION PROJECTS.—**Funds for the juvenile offender reentry demonstration projects **may be expended for—**
- [(1) providing returning juvenile offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;**
 - [(2) convening victim impact panels, restorative justice panels, or victim impact educational classes for juvenile offenders;**
 - [(3) oversight/monitoring of released juvenile offenders; and**
 - [(4) providing for the planning of reentry services when the youth is initially incarcerated and coordinating the delivery of community-based services, such as education, family involvement and support, and other services as needed.]** *may be expended for any activity referred to in subsection (b).*
- [(d) SUBMISSION OF APPLICATION.—**In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

[(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

[(2) identify the governmental and community agencies that will be coordinated by this project;

[(3) certify that there has been appropriate consultation with all affected agencies and there will be appropriate coordination with all affected agencies in the implementation of the program, including existing community corrections and parole; and

[(4) describe the methodology and outcome measures that will be used in evaluating the program.

[(e) APPLICANTS.—The applicants as designated under 2601(a)—

[(1) shall prepare the application as required under subsection 2601(b); and

[(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

[(f) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 75 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

[(g) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a description and an evaluation report at such time and in such manner as the Attorney General may reasonably require that contains—

[(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

[(2) such other information as the Attorney General may require.]

(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant and certifies their involvement; and

(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program, and specifically explains how such measurements will provide valid measures of the program's impact.

(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement;

(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

(5) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant.

(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

(2) include—

(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

(B) consultations with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

(C) coordination with families of offenders;

(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

(A) planning while offenders are in prison, jail, or a juvenile facility, pre-release transition housing, and community release;

(B) establishing pre-release planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

(6) target high-risk offenders for reentry programs through validated assessment tools.

(g) USES OF GRANT FUNDS.—

(1) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 75 percent of the project funded under such grant in fiscal year 2008.

(B) WAIVER.—Subparagraph (A) shall not apply if the Attorney General—

(i) waives, in whole or in part, the requirement of this paragraph; and

(ii) publishes in the Federal Register the rationale for the waiver.

(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

(h) REENTRY STRATEGIC PLAN.—

(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program. One goal of the plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section.

(2) COORDINATION.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

(i) REENTRY TASK FORCE.—

(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

(B) provide the analysis described in subsection (e)(4).

(2) *MEMBERSHIP.*—*The task force or other authority under this subsection shall be comprised of—*

(A) *relevant State, tribal, territorial, or local leaders;*
and

(B) *representatives of relevant—*
(i) *agencies;*
(ii) *service providers;*
(iii) *nonprofit organizations; and*
(iv) *stakeholders.*

(j) *STRATEGIC PERFORMANCE OUTCOMES.*—

(1) *IN GENERAL.*—*Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes related to the long-term goals of increasing public safety and reducing recidivism.*

(2) *PERFORMANCE OUTCOMES.*—*The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—*

(A) *reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Prisons under section 234(c)(2) of the Second Chance Act of 2007;*

(B) *reduction in crime;*

(C) *increased employment and education opportunities;*

(D) *reduction in violations of conditions of supervised release;*

(E) *increased child support;*

(F) *increased housing opportunities;*

(G) *reduction in drug and alcohol abuse; and*

(H) *increased participation in substance abuse and mental health services.*

(3) *OTHER OUTCOMES.*—*A grantee under this section may include in their reentry strategic plan other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.*

(4) *COORDINATION.*—*A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.*

(5) *REPORT.*—

(A) *IN GENERAL.*—*Each grantee under this section shall submit an annual report to the Attorney General that—*

(i) *identifies the progress of the grantee toward achieving its strategic performance outcomes; and*

(ii) *describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.*

(B) *SUBMISSION TO CONGRESS.*—*On an annual basis, the Attorney General shall submit all reports received under this paragraph during the previous year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.*

(k) PERFORMANCE MEASUREMENT.—

(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

(B) identify sources and methods of data collection in support of performance measurement required under this section;

(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

(2) the reentry plan of the grantee includes performance measures to assess the progress of the grantee toward increasing public safety by reducing the rate at which individuals released from prisons, jails, or juvenile facilities who participate in the reentry system supported by Federal funds are recommitted to prisons, jails, or juvenile facilities; and

(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k).

(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training

to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

(3) *USE OF FUNDS.*—The organization receiving the grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

(H) develop a national reentry research agenda;

(I) bridge the gap between reentry research and practice by translating knowledge from research into practical information; and

(J) establish a database to enhance the availability of information that will assist offenders in areas such as housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

(4) *LIMIT.*—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

(n) *ADMINISTRATION.*—Of amounts made available to carry out this section—

(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

(B) generates evidence on which reentry approaches and strategies are most effective.

[(h)] (o) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—To carry out this section, there are authorized to be appropriated **[\$15,000,000 for fiscal year 2003, \$15,500,000 for fiscal year 2004, and \$16,000,000 for fiscal year 2005.] \$65,000,000 for fiscal year 2008, and \$65,000,000 for fiscal year 2009.**

[(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

[(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

[(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.]

(2) LIMITATION.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.

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SEC. 2978. STATE AND LOCAL REENTRY COURTS.

(a) GRANTS AUTHORIZED.—The Attorney General shall award grants, in accordance with this section, of not more than \$500,000 to—

(1) State and local courts; and

(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

(1) monitor juvenile and adult offenders returning to the community;

(2) provide juvenile and adult offenders returning to the community with coordinated and comprehensive reentry services and programs such as—

(A) drug and alcohol testing and assessment for treatment;

(B) assessment for substance abuse from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

(C) substance abuse treatment from a provider that is approved by the State, and licensed, if necessary, to provide medical and other health services;

(D) health (including mental health) services and assessment;

(E) aftercare and case management services that—

(i) facilitate access to clinical care and related health services; and

(ii) coordinate with such clinical care and related health services; and

- (F) any other services needed for reentry;
- (3) convene community impact panels, victim impact panels, or victim impact educational classes;
- (4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—
 - (A) housing assistance;
 - (B) education;
 - (C) employment training;
 - (D) conflict resolution skills training;
 - (E) batterer intervention programs; and
 - (F) other appropriate social services; and
- (5) establish and implement graduated sanctions and incentives.

(c) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement the drug court under part EE in accordance with paragraphs (1) through (5) of subsection (b).

(d) *APPLICATION.*—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

- (1) describes the program to be assisted under this section and the need for such program;
- (2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding ends;
- (3) identifies the governmental and community agencies that will be coordinated by the project;
- (4) certifies that—
 - (A) all agencies affected by the program, including existing community corrections and parole entities, have been appropriately consulted in the development of the program;
 - (B) there will be appropriate coordination with all such agencies in the implementation of the program; and
 - (C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as defined in section 201(e) of the Second Chance Act of 2007) of the State; and
- (5) describes the methodology and outcome measures that will be used to evaluate the program.

(e) *MATCHING REQUIREMENTS.*—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—

- (1) waives, wholly or in part, the matching requirement under this subsection; and
- (2) publicly delineates the rationale for the waiver.

(f) *ANNUAL REPORT.*—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

- (1) a summary of the activities carried out under the program assisted by the grant;

(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

(3) such other information as the Attorney General may require.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2008 and 2009 to carry out this section.

(2) **LIMITATIONS.**—Of the amount made available to carry out this section in any fiscal year—

(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.

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PART JJ—GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION

SEC. 3001. GRANTS AUTHORIZED.

The Attorney General may make grants to States, units of local government, territories, and Indian tribes to develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders.

SEC. 3002. USE OF GRANT FUNDS.

Grants made to an entity under section 3001 for a program described in such section may be used for the following:

(1) Salaries, personnel costs, facility costs, and other costs directly related to the operation of the program.

(2) Payments to providers of substance abuse treatment for providing treatment and case management to nonviolent parent drug offenders participating in the program, including comprehensive treatment for mental health disorders, parenting classes, educational classes, vocational training, and job placement.

(3) Payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in the program.

SEC. 3003. PROGRAM REQUIREMENTS.

A program for which a grant is made under section 3001 shall comply with the following requirements:

(1) The program shall ensure that all providers of substance abuse treatment are approved by the State and are licensed, if necessary, to provide medical and other health services.

(2) The program shall provide for appropriate coordination and consultation with the Single State Authority for Substance Abuse (as defined in section 201(e) of the Second Chance Act of 2007) of the State in which the program is located.

(3) *The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.*

(4) *The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.*

(5) *The program shall provide that if a nonviolent parent drug offender who participates in the program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.*

(6) *The program shall ensure that a determination is made as to whether or not a nonviolent drug offender has completed the substance abuse treatment program.*

(7) *The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of the program to encourage compliance with the program.*

(8) *The program shall develop and implement a reentry plan for each nonviolent parent drug offender that shall include reinforcement strategies for family involvement as appropriate, relapse strategies, support groups, placement in transitional housing, and continued substance abuse treatment, as needed.*

SEC. 3004. DEFINITIONS.

In this part:

(1) *NONVIOLENT PARENT DRUG OFFENDERS.—The term “nonviolent parent drug offender” means an offender who is a parent of a minor and who is convicted of a drug (or drug-related) felony that is a nonviolent offense.*

(2) *NONVIOLENT OFFENSE.—The term “nonviolent offense” has the meaning given such term under section 2991(a).*

SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$10,000,000 for each of fiscal years 2008 and 2009.

PART [X] KK—SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS

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PART LL—PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN

SEC. 3021. GRANTS AUTHORIZED.

The Attorney General may make grants to States, units of local government, territories, and Indian tribes to provide prison-based family treatment programs for incarcerated parents of minor children.

SEC. 3022. USE OF GRANT FUNDS.

An entity that receives a grant under this part shall use amounts provided under the grant to—

(1) develop, implement, and expand prison-based family treatment programs in correctional facilities for incarcerated parents with minor children, excluding from the programs those parents with respect to whom there is reasonable evidence of domestic violence or child abuse;

(2) coordinate the design and implementation of such programs between appropriate correctional facility representatives, the Single State Authority for Substance Abuse (as defined in section 201(e) of the Second Chance Act of 2007), and other appropriate governmental agencies; and

(3) develop and implement a pre-release assessment and a reentry plan for each incarcerated parent scheduled to be released to the community, and such plan shall include—

(A) a treatment program for the incarcerated parent to receive continuous substance abuse treatment services and related support services, as needed;

(B) a housing plan during transition from incarceration to reentry, as needed;

(C) a vocational or employment plan, including training and job placement services; and

(D) any other services necessary to provide successful reentry into the community.

SEC. 3023. PROGRAM REQUIREMENTS.

A prison-based family treatment program for incarcerated parents with respect to which a grant is made shall comply with the following requirements:

(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

(2) The program shall ensure that each participant in the program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

(3) The program shall be located in an area separate from the general population of the prison or jail.

SEC. 3024. APPLICATIONS.

To be eligible for a grant under this part for a prison-based family treatment program, an entity described in section 3021 shall, in addition to any other requirement specified by the Attorney General, submit an application to the Attorney General in such form and manner and at such time as specified by the Attorney General. Such application shall include a description of the methods and measurements the entity will use for purposes of evaluating the program involved and such other information as the Attorney General may reasonably require.

SEC. 3025. REPORTS.

An entity that receives a grant under this part for a prison-based family treatment program during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness

of such program during such fiscal year. Such evaluation shall be based on evidence-based data and shall use the methods and measurements described in the application of the entity for purposes of evaluating the program.

SEC. 3026. PRISON-BASED FAMILY TREATMENT PROGRAM DEFINED.

In this part, the term “prison-based family treatment program” means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

SEC. 3027. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$10,000,000 for each of fiscal years 2008 and 2009.

PART MM—GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

SEC. 3031. GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

(a) **GRANT PROGRAM AUTHORIZED.**—The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities to—

(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; and

(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1).

(b) **APPLICATION.**—To be eligible for a grant under this section, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

(c) **REPORT.**—Not later than 90 days after the last day of the final fiscal year for which an entity described in subsection (a) receives a grant under such subsection, such an entity shall submit to the Attorney General a detailed report of the aggregate findings and conclusions of the evaluation described in subsection (a)(1), and the recommendations to the Attorney General described in subsection (a)(2).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated—

(1) to carry out subsection (a)(1), \$5,000,000 for each of the fiscal years 2008 and 2009; and

(2) to carry out subsection (a)(2), \$5,000,000 for each of the fiscal years 2008 and 2009.

SEC. 3032. GRANTS TO IMPROVE EDUCATIONAL SERVICES IN PRISONS, JAILS, AND JUVENILE FACILITIES.

(a) *GRANT PROGRAM AUTHORIZED.*—The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, and Indian tribes for the purpose of improving the academic and vocational education programs available to offenders in prisons, jails, and juvenile facilities.

(b) *APPLICATION.*—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

(c) *REPORTS.*—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated \$10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

**VIOLENT CRIME CONTROL AND LAW ENFORCEMENT
ACT OF 1994**

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TITLE II—PRISONS

**Subtitle A—Violent Offender Incarceration
and Truth-in-Sentencing Incentive Grants**

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SEC. 20102. AUTHORIZATION OF GRANTS.

(a) *IN GENERAL.*—The Attorney General shall provide Violent Offender Incarceration grants under section 20103 and Truth-in-Sentencing Incentive grants under section 20104 to eligible States—

(1) * * *

(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime; **[and]**

(3) to build or expand jails**[.]**; and

(4) to carry out any activity referred to in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).

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TITLE 18, UNITED STATES CODE

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PART II—CRIMINAL PROCEDURE

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CHAPTER 229—POSTSENTENCE ADMINISTRATION

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SUBCHAPTER C—IMPRISONMENT

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§ 3621. Imprisonment of a convicted person

(a) * * *

(b) PLACE OF IMPRISONMENT.—The Bureau of Prisons shall designate the place of the prisoner’s imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering—

(1) * * *

* * * * *

In designating the place of imprisonment or making transfers under this subsection, there shall be no favoritism given to prisoners of high social or economic status. The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another. The Bureau shall make available appropriate substance abuse treatment for each prisoner the Bureau determines has a treatable condition of substance addiction or abuse. *Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility has no binding effect on the discretionary authority of the Bureau under this section to determine or change the place of imprisonment of that person.*

* * * * *

(e) SUBSTANCE ABUSE TREATMENT.—

(1) * * *

* * * * *

(5) DEFINITIONS.—As used in this subsection—

(A) the term “residential substance abuse treatment” means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

[(i) directed at the substance abuse problems of the prisoner;

[(ii) intended to develop the prisoner’s cognitive, behavioral, social, vocational, and other skills so as to

solve the prisoner’s substance abuse and related problems; and

[(iii) which may include the use of pharmacotherapies, if appropriate, that may extend beyond the treatment period;] means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population, which may include the use of pharmacotherapies, where appropriate, that may extend beyond the 6-month period;

* * * * *

(g) CONTINUED ACCESS TO MEDICAL CARE.—

(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons shall ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine.

(2) DEFINITION.—In this subsection, the term “community confinement” has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.

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§ 3624. Release of a prisoner

(a) * * *

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[(c) PRE-RELEASE CUSTODY.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner’s re-entry into the community. The authority provided by this subsection may be used to place a prisoner in home confinement. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.]

(c) PRE-RELEASE CUSTODY.—

(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of such term (not to exceed 12 months), under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner’s reentry into the community. Such conditions may include a community correctional facility.

(2) HOME CONFINEMENT AUTHORITY.—The authority provided by this subsection may be used to place a prisoner in home confinement for the last 10 percent of the term of imprisonment or the final 6 months of such term, whichever is shorter.

(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

(4) *NO LIMITATIONS.*—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons granted under section 3621 of this title.

(5) *REPORTING.*—Not later than 1 year after the date of enactment of the Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the Bureau’s utilization of community corrections facilities. Such report shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

(6) *ISSUANCE OF REGULATIONS.*—Not later than 90 days after the date of enactment of the Second Chance Act of 2007, the Director of Bureau of Prisons shall issue regulations pursuant to this subsection, which shall include modifications to section 570.21 of the Bureau’s regulations (28 C.F.R. 570.21), to ensure that such section is in accordance with the provisions of this subsection.

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CHAPTER 232—MISCELLANEOUS SENTENCING PROVISIONS

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§ 3672. Duties of Director of Administrative Office of the United States Courts

The Director of the Administrative Office of the United States Courts, or his authorized agent, shall investigate the work of the probation officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers.

He shall collect for publication statistical and other information concerning the work of the probation officers.

He shall prescribe record forms and statistics to be kept by the probation officers and shall formulate general rules for the proper conduct of the probation work.

He shall endeavor by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts.

He shall, under the supervision and direction of the Judicial Conference of the United States, fix the salaries of probation officers and shall provide for their necessary expenses including clerical service and travel expenses.

He shall incorporate in his annual report a statement concerning the operation of the probation system in such courts.

He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, an addict or a drug-dependent person, or a person suffering from

a psychiatric disorder within the meaning of section 2 of the Public Health Service Act. This authority shall include the authority to provide equipment and supplies; testing; medical, educational, social, psychological and vocational services; corrective and preventative guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol-dependent person, addict or drug-dependent person, or a person suffering from a psychiatric disorder by eliminating his dependence on alcohol or addicting drugs, by controlling his dependence and his susceptibility to addiction, or by treating his psychiatric disorder. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes of the United States. *He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.*

He shall pay for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court under subsection (b) or (c) of section 3552, except for studies conducted by the Bureau of Prisons.

Whenever the court finds that funds are available for payment by or on behalf of a person furnished such services, training, or guidance, the court may direct that such funds be paid to the Director. Any moneys collected under this paragraph shall be used to reimburse the appropriations obligated and disbursed in payment for such services, training, or guidance.

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PART III—PRISONS AND PRISONERS

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CHAPTER 303—BUREAU OF PRISONS

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§ 4042. Duties of Bureau of Prisons

(a) IN GENERAL.—The Bureau of Prisons, under the direction of the Attorney General, shall—

(1) * * *

* * * * *

(4) provide technical assistance to State and local governments in the improvement of their correctional systems; **[and]**

(5) provide notice of release of prisoners in accordance with subsections (b) and (c)**[.];**

(6) *provide for pre-release planning procedures for prisoners to ensure eligibility for Federal and State benefits upon release (including benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act, the supplemental security income program under title XVI of such Act, the Medicare program under title XVIII of*

such Act, the Medicaid program under title XIX of such Act, and a program of the Department of Veterans Affairs under title 38) is established prior to release, subject to any limitations in law;

(7) include as part of the standard intake procedures for offenders entering Federal custody the collection of information regarding the dependent children of such an offender, including the number, age, and residence of such children;

(8) ensure that all policies, practices, and facilities of the Bureau of Prisons support the relationship between parent and child; and

(9) identify and address the training needs of employees of the Bureau of Prisons with respect to the effect of incarceration on children, families, and communities, age-appropriate interactions, and community resources for the families of offenders.

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