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CORRECTIONS AND RECIDIVISM REDUCTION ACT OF 2016

DECEMBER 23, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 759]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 759) to enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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The Amendments

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Corrections and Recidivism Reduction Act of 2016".

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

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM RISK REDUCTION

Sec. 101. Short title.
Sec. 102. Duties of the Attorney General.
Sec. 103. Post-sentencing risk and needs assessment system.
Sec. 104. Recidivism reduction program and productive activity recommendations.
Sec. 105. Report.
Sec. 106. Use of System and recommendations by Bureau of Prisons.
Sec. 107. Definitions.
Sec. 108. Authorization of appropriations.
Sec. 109. Rule of construction.

TITLE II—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

Sec. 201. Use of restraints on prisoners during the period of pregnancy and postpartum recovery prohibited.

TITLE III—BUREAU OF PRISONS USE OF OLEORESIN CAPSICUM SPRAY

Sec. 301. Short title.
Sec. 302. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray.
Sec. 303. GAO Report.

TITLE IV—BUREAU OF PRISONS SECURE FIREARMS STORAGE

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Secure firearms storage.

TITLE V—MISCELLANEOUS

Sec. 501. De-escalation training.
Sec. 502. Medication-Assisted Treatment for Opioid and Heroin Abuse.
Sec. 503. Monitoring of electronic communications between prisoner and attorney.
Sec. 504. Pilot programs.
Sec. 505. Ensuring supervision of released sexually dangerous persons.
Sec. 506. Data collection.
Sec. 507. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.
Sec. 508. Release coordination.

TITLE I—RECIDIVISM RISK REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Recidivism Risk Reduction Act".

SEC. 102. DUTIES OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General shall carry out this section in consultation with—

(1) the Director of the Bureau of Prisons;

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

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

(4) the Director of the National Institute of Justice.

(b) DUTIES.—The Attorney General shall, in accordance with subsection (c)—

(1) develop a prisoner risk and needs assessment system in accordance with section 103;

(2) develop recommendations regarding recidivism reduction programs and productive activities in accordance with section 104;

(3) conduct ongoing research and data analysis on—

(A) the best practices relating to the use of prisoner risk and needs assessment tools;

(B) the best available risk and needs assessment tools and the level to which they rely on dynamic risk factors that could be addressed and changed over time, and on measures of risk of recidivism, individual needs, and responsivity to recidivism reduction programs;

(C) the most effective and efficient uses of such tools in conjunction with recidivism reduction programs, productive activities, incentives, and rewards; and

(D) which recidivism reduction programs are the most effective for addressing the specific criminogenic needs of prisoners, and how much programming is appropriate to most effectively reduce the risk of recidivism for prisoners with different risks of recidivating;

(4) on a biennial basis, review the system developed under paragraph (1) and the recommendations developed under paragraph (2), using the research conducted under paragraph (3), to determine whether any revisions or updates should be made, and if so, make such revisions or updates;

(5) hold periodic meetings with the individuals listed in subsection (a) at intervals to be determined by the Attorney General; and

(6) report to Congress in accordance with section 105.

(c) METHODS.—In carrying out the duties under subsection (b), the Attorney General shall—

(1) consult relevant stakeholders; and

(2) make decisions using data that is based on the best available statistical and empirical evidence.

SEC. 103. POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall develop and release, for use by the Bureau of Prisons in accordance with the phase-in period described in section 3621(b)(2) of title 18, United States Code, as added by this Act, a prisoner risk and needs assessment system, to be known as the "Post-Sentencing Risk and Needs Assessment System" (referred to in this Act as the "System"), which shall provide risk and needs assessment tools (developed under subsection (b)) in order to, for each prisoner—

(1) determine the recidivism risk of each prisoner as part of the intake process, ensuring that the recidivism risk metric distinguishes the different rates of failure;

(2) assign the prisoner to appropriate recidivism reduction programs or productive activities based on that determination, the prisoner's specific criminogenic needs, and in accordance with subsection (c);

(3) reassess the recidivism risk of each prisoner periodically using an appropriate reassessment tool described in subsection (b)(1)(B), and reassign the prisoner to appropriate recidivism reduction programs or productive activities based on the revised determination, the specific criminogenic needs of the prisoner, and the successful completion of recidivism reduction programs in accordance with subsection (e); and

(4) determine when a prisoner is ready to transfer into prerelease custody in accordance with section 3624(g) of title 18, United States Code, as added by this title.

(b) RISK AND NEEDS ASSESSMENT TOOLS.—

(1) IN GENERAL.—The Attorney General shall—

(A) adapt the Federal Post Conviction Risk Assessment Tool developed and utilized by the Administrative Office of the United States Courts in order to develop suitable risk and needs assessment tools to be used in the System developed under subsection (a) by using the research and data analysis required to be conducted under section 102(b)(3) on the best available risk and needs assessment tools available as of the date of the enactment of this Act, and determining, using the methods required under section 102(c), how to make the most effective and efficient tools to accomplish for each prisoner, the assessments, assignments, and reassessments described in paragraphs (1) through (3) of subsection (a); and

(B) ensure that the risk and needs assessment tool to be used in the reassessments described in subsection (a)(3) measures and uses dynamic risk factors, indicators of progress, and of regression, including newly acquired skills and changes in attitude and behavior over time.

(2) VALIDATION ON PRISONERS.—In carrying out this subsection, the Attorney General shall statistically validate any tools that the Attorney General selects for use in the System on the Federal prison population, or ensure that the tools have been so validated.

(3) EVALUATION.—The Attorney General shall ensure that the System does not result in unwarranted disparities, including by—

(A) regularly evaluating rates of recidivism among similarly classified prisoners to identify any unwarranted disparities in such rates, including disparities among similarly classified prisoners of different demographic groups; and

(B) adjusting the System to reduce such disparities to the greatest extent possible.

(c) ASSIGNMENT OF RECIDIVISM REDUCTION PROGRAMS.—The System shall provide guidance on the kind and amount of recidivism reduction programming or productive activities that should be assigned for each prisoner and shall provide—

(1) that the higher a prisoner's risk of recidivating, the more programming the prisoner shall participate in, according to the prisoner's specific criminogenic needs;

(2) information on the best ways that the Bureau of Prisons can tailor the programs to the specific criminogenic needs of each prisoner so as to best lower each prisoner's risk of recidivating; and

(3) that all prisoners shall participate in recidivism reduction programs or productive activities throughout their entire term of incarceration.

(d) HOUSING ASSIGNMENT.—The System shall provide guidance on grouping and housing assignment determinations and, after accounting for the safety of each prisoner and other individuals at the prison, provide that prisoners with a similar risk of recidivating be grouped and housed together to the extent practicable.

(e) RECIDIVISM REDUCTION PROGRAM AND PRODUCTIVE ACTIVITY INCENTIVES AND REWARDS.—The System shall provide incentives and rewards for prisoners to participate in and complete recidivism reduction programs and productive activities as follows:

(1) FAMILY PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in a recidivism reduction program or a productive activity shall receive, for use with family (including extended family), close friends, mentors, and religious leaders—

(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 900 minutes per month; and

(B) additional time for visitation at the prison, as determined by the warden of the prison.

(2) TIME CREDITS.—

(A) IN GENERAL.—A prisoner shall earn 10 days of time credits for each 30 days that the prisoner successfully participates in a recidivism reduction program or productive activity, except that—

(i) a prisoner (other than a prisoner described in clause (ii)) who has been determined, over two consecutive reassessments, to have reduced their risk of recidivism, shall earn an additional 5 days of time credits for each 30 days that the prisoner successfully participates in a recidivism reduction program or productive activity; and

(ii) a prisoner who has a low or no risk of recidivism and who has been determined, over two consecutive reassessments, not to have increased their risk of recidivism, shall earn an additional 5 days of time credits for each 30 days that the prisoner successfully participates in a recidivism reduction program or productive activity.

(B) AVAILABILITY.—A prisoner may not earn time credits under this paragraph for a recidivism reduction program or productive activity that the prisoner successfully participated in—

(i) prior to the date of the enactment of this Act; or

(ii) during official detention prior to the date that the prisoner's sentence commences under section 3585(a) of title 18, United States Code, if the prisoner becomes ineligible to receive time credits under subparagraph (C).

(C) INELIGIBLE PRISONERS.—A prisoner serving a sentence as a result of a conviction for an offense under any of the following provisions of law shall be ineligible to receive time credits:

(i) Section 113(a)(1) of title 18, United States Code, relating to assault with intent to commit murder.

(ii) Section 115 of title 18, United States Code, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

(iii) Any section of chapter 10 of title 18, United States Code, relating to biological weapons.

(iv) Any section of chapter 11B of title 18, United States Code, relating to chemical weapons.

(v) Section 351 of title 18, United States Code, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

(vi) Section 793 of title 18, United States Code, relating to gathering, transmitting, or losing defense information.

(vii) Section 794 of title 18, United States Code, relating to gathering or delivering defense information to aid a foreign government.

(viii) Any section of chapter 39, United States Code, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

(ix) Section 842(p) of title 18, United States Code, relating to distribution of information relating to explosive, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)(2) of such title).

(x) Subsections (f)(3), (h), or (i) of section 844 of title 18, United States Code, relating to the use of fire or an explosive.

(xi) Section 924(e) of title 18, United States Code, relating to unlawful possession of a firearm by a person with 3 or more convictions for a violent felony or a serious drug offense.

(xii) Section 1030(a)(1) of title 18, United States Code, relating to fraud and related activity in connection with computers.

(xiii) Any section of chapter 51 of title 18, United States Code, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

(xiv) Any section of chapter 55 of title 18, United States Code, relating to kidnapping.

(xv) Any offense under chapter 77 of title 18, United States Code, relating to peonage, slavery, and trafficking in persons, except for sections 1592 through 1596.

(xvi) Section 1751 of title 18, United States Code, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

(xvii) Section 1841(a)(2)(C) of title 18, United States Code, relating to intentionally killing or attempting to kill an unborn child.

(xviii) Section 1992 of title 18, United States Code, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

(xix) Section 2113(e) of title 18, United States Code, relating to bank robbery resulting in death.

(xx) Section 2118(c)(2) of title 18, United States Code, relating to robberies and burglaries involving controlled substances resulting in death.

(xxi) Section 2119(3) of title 18, United States Code, relating to taking a motor vehicle (commonly referred to as "carjacking") that results in death.

(xxii) Any section of chapter 105 of title 18, United States Code, relating to sabotage, except for section 2152.

(xxiii) Any section of chapter 109A of title 18, United States Code, relating to sexual abuse, except that with regard to section 2244 of such title, only a conviction under subsection (c) of that section (relating to abusive sexual contact involving young children) shall make a prisoner ineligible under this subparagraph.

(xxiv) Section 2251 of title 18, United States Code, relating to the sexual exploitation of children.

(xxv) Section 2251A of title 18, United States Code, relating to the selling or buying of children.

(xxvi) Any of paragraphs (1) through (3) of section 2252(a) of title 18, United States Code, relating to certain activities relating to material involving the sexual exploitation of minors.

(xxvii) A second or subsequent conviction under any of paragraphs (1) through (6) of section 2252A(a) of title 18, United States Code, relating to certain activities relating to material constituting or containing child pornography.

(xxviii) Section 2260 of title 18, United States Code, relating to the production of sexually explicit depictions of a minor for importation into the United States.

(xxix) Section 2283 of title 18, United States Code, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

(xxx) Section 2284 of title 18, United States Code, relating to the transportation of terrorists.

(xxxi) Section 2291 of title 18, United States Code, relating to the destruction of a vessel or maritime facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

(xxxii) Any section of chapter 113B of title 18, United States Code, relating to terrorism.

(xxxiii) Section 2340A of title 18, United States Code, relating to torture.

(xxxiv) Section 2381 of title 18, United States Code, relating to treason.

(xxxv) Section 2442 of title 18, United States Code, relating to the recruitment or use of child soldiers.

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

(xxxvii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

(xxxviii) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

(xxxix) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

(xl) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

(xli) Section 60123(b) of title 49, United States Code, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

(xlii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance, but only in the case of a conviction for an offense described in subparagraphs (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

(xliii) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

(xliv) Any section of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

(xlv) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

(xlvi) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

(xlvii) An offense described in section 3559(c)(2)(F) of title 18, United States Code, for which the offender was sentenced to a term of imprisonment of more than one year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than one year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111 of title 18, United States Code), voluntary manslaughter (as described in section 1112 of title 18, United States Code), assault with intent to commit murder (as described in section 113(a) of title 18, United States Code), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2) of title 18, United States Code), kidnapping (as described in chapter 55 of title 18, United States Code), carjacking (as described in section 2119 of title 18, United States Code), arson (as described in section 844(f)(3), (h), or (i) of title 18, United States Code), or terrorism (as described in chapter 113B of title 18, United States Code).

(xlviii) A third or subsequent conviction for a drug trafficking offense, unless the prisoner did not have a meaningful opportunity to participate in the recidivism reduction programming described in this title for one of the previous convictions.

(3) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in recidivism reduction programming or productive activities shall receive periodic risk reassessments not less than annually, and prisoners determined to be at a greater risk of recidivating and who have less than 5 years until their projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's

specific needs and reassign the prisoner to appropriate recidivism reduction programming or productive activities based on such changes.

(4) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

(f) PENALTIES.—The System shall provide guidelines for the Bureau of Prisons to reduce rewards and incentives earned under subsection (e) for prisoners who violate prison, recidivism reduction program, or productive activity rules, which shall provide—

(1) general levels of violations and resulting reductions;

(2) that any reduction that includes the forfeiture of time credits shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

(3) guidelines for the Bureau of Prisons to establish a procedure to restore time credits that a prisoner forfeited as a result of a rule violation based on the prisoner's individual progress after the date of the rule violation.

(g) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop training programs for Bureau of Prisons officials and employees responsible for administering the System, which shall include—

(1) initial training to educate employees and officials on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

(2) continuing education; and

(3) periodic training updates.

(h) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting periodic audits of the Bureau of Prisons regarding the use of the System.

SEC. 104. RECIDIVISM REDUCTION PROGRAM AND PRODUCTIVE ACTIVITY RECOMMENDATIONS.

The Attorney General shall—

(1) review the effectiveness of recidivism reduction programs and productive activities that exist as of the date of the enactment of this title in prisons operated by the Bureau of Prisons;

(2) review available information regarding the effectiveness of recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

(3) using evidence-based data, identify the most effective recidivism reduction programs;

(4) review the administrative process for entering into recidivism reduction partnerships described in section 3621(h)(5) of title 18, United States Code, as added by this title; and

(5) make recommendations to the Bureau of Prisons regarding—

(A) the expansion of programming and activity capacity and the replication of effective programs and activities described in paragraph (1); and

(B) the addition of any new effective programs and activities that the Attorney General finds, using the methods described in section 102(c), would help to reduce recidivism.

SEC. 105. REPORT.

Beginning on the date that is one year after the date of the enactment of this Act, and annually thereafter for a period of 7 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

(2) A summary and assessment of the types and effectiveness of the recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

(A) evidence about which programs and activities have been shown to reduce recidivism;

(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

(C) identification of any gaps or shortages in capacity of such programs and activities.

(3) An assessment of the Bureau of Prisons' compliance with section 3621(h) of title 18, United States Code.

(4) An assessment of progress made toward carrying out the purposes of this Act, including any savings associated with—

(A) the transfer of prisoners into prerelease custody under section 3624(g) of title 18, United States Code, as added by this title; and

(B) any decrease in recidivism that may be attributed to the implementation of the System or the increase in recidivism reduction programs and productive activities required by this title and the amendments made by this title.

SEC. 106. USE OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

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

"(h) POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.—

"(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the Post-Sentencing Risk and Needs Assessment System (referred to in this subsection as the 'System') developed under the Recidivism Risk Reduction Act, the Bureau of Prisons shall—

"(A) implement the System and complete a risk and needs assessment for each prisoner (as such term is defined in section 107 of the Recidivism Risk Reduction Act), regardless of the prisoner's length of imposed term of imprisonment; and

"(B) expand the effective recidivism reduction programs (as such term is defined under section 107 of the Recidivism Risk Reduction Act) and productive activities it offers and add any new recidivism reduction programs and productive activities necessary to effectively implement the System, and in accordance with the recommendations made by the Attorney General under section 104 of that Act and with paragraph (2).

"(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the kind and amount of recidivism reduction programming or productive activities necessary to effectively implement the System and that the Attorney General recommends, the Bureau of Prisons shall, subject to the availability of appropriations, provide such recidivism reduction programs and productive activities—

"(A) for not less than 20 percent of prisoners before the date that is one year after the date on which the Bureau of Prisons completes the risk and needs assessments under paragraph (1)(A);

"(B) for not less than 40 percent of prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes the risk and needs assessments under paragraph (1)(A);

"(C) for not less than 60 percent of prisoners before the date that is 3 years after the date on which the Bureau of Prisons completes the risk and needs assessments under paragraph (1)(A);

"(D) for not less than 80 percent of prisoners before the date that is 4 years after the date on which the Bureau of Prisons completes the risk and needs assessments under paragraph (1)(A); and

"(E) for all prisoners before the date that is 5 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A) and thereafter.

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

"(4) PRELIMINARY EXPANSION OF RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of the enactment of the Recidivism Risk Reduction Act, the Bureau of Prisons may begin to expand any recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programming and activities the incentives and rewards described in 103(e) of such Act.

"(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand recidivism reduction programs and productive activities, the Bureau of Prisons shall develop policies for the warden of each prison to enter into partnerships, subject to the availability of appropriations, with any of the following:

"(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

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

"(C) Private entities that will—

"(i) deliver vocational training and certifications;

"(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

"(iii) employ prisoners; or

"(iv) assist prisoners in prerelease custody or supervised release in finding employment.

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

(b) PRERELEASE CUSTODY.—

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

(A) in subsection (b)(1), by striking "credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence" and inserting "credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment"; and

(B) by adding at the end the following:

"(g) PRERELEASE CUSTODY FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

"(1) ELIGIBLE PRISONERS.—

"(A) IN GENERAL.—This subsection applies in the case of a prisoner (as such term is defined in section 107 of the Recidivism Risk Reduction Act) who—

"(i) has earned time credits under the Post-Sentencing Risk and Needs Assessment System developed under the Recidivism Risk Reduction Act (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

"(ii) has been classified by the warden of the prison as otherwise qualified to be transferred into prerelease custody; and

"(iii) except as provided in subparagraph (B), has not been determined under the System to be more likely than not to recidivate.

"(B) EXCEPTION.—

"(i) RECONSIDERATION BY WARDEN.—The warden of a prison shall, not later than 30 days after receiving from a prisoner who was determined under the System to be more likely than not to recidivate, but who is otherwise eligible for prerelease custody under this subsection, a request for reconsideration of the determination under the System that the prisoner is more likely than not to recidivate, review such prisoner's request, and either submit a recommendation under paragraph (2), or notify the prisoner in writing that the warden has reviewed the prisoner's request and made a determination not to submit a recommendation under paragraph (2).

"(ii) RECONSIDERATION BY DIRECTOR.—In the case that the warden of a prison does not submit a recommendation or notify a prisoner under clause (i) during the time period described in that clause, the prisoner may submit such a request for reconsideration to the Director of the Bureau of Prisons, who shall, not later than 60 days after receiving such a request, review the request, and either submit a recommendation under paragraph (2), or notify the prisoner in writing that the Director has reviewed the prisoner's request and made a determination not to submit a recommendation under paragraph (2).

"(iii) SUBMISSION TO COURT.—In the case that the Director does not submit a recommendation or notify a prisoner under clause (ii) during the time period described in that clause, the prisoner may submit such a request for reconsideration to the United States district court in which the prisoner was convicted. Upon making a determination after the review of a request under this clause, the court shall submit such determination to the Director and to the warden.

"(2) RECOMMENDATION PROCESS.—

"(A) SUBMISSION OF RECOMMENDATION.—The warden of the prison, or the Director of the Bureau of Prisons, as applicable, shall submit a recommendation that the prisoner be transferred into prerelease custody to the United States district court in which the prisoner was convicted.

"(B) APPROVAL OR DENIAL.—

"(i) IN GENERAL.—Not later than 30 days after the submission of a recommendation under subparagraph (A), a judge for such court shall approve or deny the recommendation, except that a judge may only deny such a recommendation if the judge finds by clear and convincing evidence that the prisoner should not be transferred into prerelease custody based only on evidence of the prisoner's actions after the conviction of such prisoner and not based on evidence from the underlying conviction, and submits a detailed written statement regarding such finding to the warden of the prison who recommended that the prisoner be transferred into prerelease custody.

"(ii) HEARING.—The court may hold a hearing in order to make a determination under clause (i). The prisoner shall have the right to be present at the hearing, which right may be satisfied through the use of video teleconference.

"(iii) FAILURE TO DENY TREATED AS APPROVAL.—The failure of a judge to approve or deny a recommendation to transfer at the end of the 30-day period described in clause (i) shall be treated as an approval of such recommendation.

"(3) PLACEMENT OF PRISONER IN PRERELEASE CUSTODY.—Upon the approval of a recommendation under paragraph (2)(B)(i), or 30 days after the warden or the Director submits a recommendation under paragraph (2)(A), whichever occurs earlier, the prisoner shall be placed in prerelease custody in accordance with this subsection.

"(4) TYPES OF PRERELEASE CUSTODY.—A prisoner may be placed in prerelease custody as follows:

"(A) HOME CONFINEMENT.—

"(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

"(I) be subject to 24-hour electronic monitoring that enables the prompt identification of any violation of subclause (II);

"(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

"(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

"(bb) participate in recidivism reduction programming or productive activities assigned by the System, or similar activities;

"(cc) perform community service;

"(dd) participate in crime victim restoration activities;

"(ee) receive medical treatment; or

"(ff) attend religious activities; and

"(III) comply with such other conditions as the Director determines appropriate.

"(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

"(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

"(iv) DURATION.—Except as provided in paragraph (6), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

"(B) COMMUNITY SUPERVISION.—A prisoner placed in prerelease custody pursuant to this subsection who is placed on community supervision—

"(i) shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate;

"(ii) may remain on community supervision until the conclusion of the prisoner's sentence; and

"(iii) may only be placed on community supervision if the duration of the prisoner's eligibility for community supervision is equal to or longer than the duration of the prisoner's remaining period of prerelease custody.

"(C) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry cen-

ter shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

"(5) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

"(6) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison, or impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate.

"(7) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines, for use by the Bureau of Prisons in determining—

"(A) appropriate type of prerelease custody and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

"(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of recidivism risk level under the System.

"(8) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with the United States Probation and Pretrial Services to supervise prisoners placed in home confinement or community supervision under this subsection. Such agreements shall—

"(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (4) and (5);

"(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody; and

"(C) provide for the transfer of such funds as may be necessary to comply with such requirements.

"(9) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

"(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

"(h) ALIEN PRISONERS.—If a prisoner who is placed in prerelease custody is an alien whose deportation was ordered as a condition of such prerelease custody or who is subject to a detainer filed by United States Immigration and Customs Enforcement for the purposes of determining the alien's deportability, United States Immigration and Customs Enforcement shall take custody of the alien upon the alien's transfer to prerelease custody.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the Post-Sentencing Risk and Needs Assessment System.

SEC. 107. DEFINITIONS.

In this Act the following definitions apply:

(1) RISK AND NEEDS ASSESSMENT TOOL.—The term "risk and needs assessment tool" means an objective and statistically validated method through which information is collected and evaluated to determine—

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

(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison.

(2) RECIDIVISM REDUCTION PROGRAM.—The term "recidivism reduction program" means either a group or individual activity that—

(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

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

(C) may include—

(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

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

(iii) classes on morals or ethics;
(iv) academic classes;
(v) cognitive behavioral treatment;
(vi) mentoring;
(vii) substance abuse treatment;
(viii) vocational training;
(ix) faith-based classes or services;
(x) civic engagement and reintegrative community services;
(xi) a prison job; or
(xii) victim impact classes or other restorative justice programs.

(3) PRODUCTIVE ACTIVITY.—The term "productive activity" means either a group or individual activity that is designed to allow prisoners determined as having a low or no risk of recidivating to remain productive and thereby maintain a low or no risk of recidivating, and may include the delivery of the programs described in paragraph (2) to other prisoners.

(4) PRISONER.—The term "prisoner" means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.

(5) TIME CREDIT.—The term "time credit" means the equivalent of one day of a prisoner's sentence, such that a prisoner shall be eligible for one day of prerelease custody for each credit earned.

(6) DRUG TRAFFICKING OFFENSE.—The term "drug trafficking offense" means any crime punishable under Federal, State, or local law that prohibits the manufacture, import, export, distribution, dispensing of, or offer to sell a controlled substance or counterfeit substance (as such terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the possession of a controlled substance or counterfeit substance with intent to manufacture, import, export, distribute, or dispense.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $50,000,000 for each of fiscal years 2017 through 2021. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the System under section 106 and the amendments made by that section.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any savings associated with reducing recidivism and reducing the prison population that result from this title should be reinvested into further expansion of recidivism reduction programs and productive activities by the Bureau of Prisons.

SEC. 109. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner on prerelease custody who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States.

TITLE II—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

SEC. 201. USE OF RESTRAINTS ON PRISONERS DURING THE PERIOD OF PREGNANCY AND POSTPARTUM RECOVERY PROHIBITED.

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

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

"(a) PROHIBITION.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a healthcare professional, and ending at the conclusion of postpartum recovery, a prisoner in the custody of the Bureau of Prisons, or in the custody of the United States Marshals Service pursuant to section 4086, shall not be placed in restraints.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—The prohibition under subsection (a) shall not apply if—

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

"(i) is an immediate and credible flight risk that cannot reasonably be prevented by other means; or

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

"(B) a health care professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the medical safety of the prisoner.

"(2) LEAST RESTRICTIVE RESTRAINTS.—In the case that restraints are used pursuant to an exception under paragraph (1), only the least restrictive restraints necessary to prevent the harm or risk of escape described in paragraph (1) may be used.

"(3) APPLICATION.—

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

"(i) to place restraints around the ankles, legs, or waist of a prisoner;

"(ii) to restrain a prisoner's hands behind her back;

"(iii) to restrain a prisoner using four-point restraints; or

"(iv) to attach a prisoner to another prisoner.

"(B) MEDICAL REQUEST.—Notwithstanding paragraph (1), upon the request of a healthcare professional who is responsible for the health and safety of a prisoner, a corrections official or United States marshal, as applicable, shall refrain from using restraints on the prisoner or remove restraints used on the prisoner.

"(c) REPORTS.—

"(1) REPORT TO THE DIRECTOR AND HEALTHCARE PROFESSIONAL.—If a corrections official or United States marshal uses restraints on a prisoner under subsection (b)(1), that official or marshal shall submit, not later than 30 days after placing the prisoner in restraints, to the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, and to the healthcare professional responsible for the health and safety of the prisoner, a written report which describes the facts and circumstances surrounding the use of restraints, and includes—

"(A) the reasoning upon which the determination to use restraints was made;

"(B) the details of the use of restraints, including the type of restraints used and length of time during which restraints were used; and

"(C) any resulting physical effects on the prisoner observed by or known to the corrections official or United States marshal, as applicable.

"(2) SUPPLEMENTAL REPORT TO THE DIRECTOR.—Upon receipt of a report under subsection (c)(1), the healthcare professional responsible for the health and safety of the prisoner may submit to the Director such information as the healthcare professional determines is relevant to the use of restraints on the prisoner.

"(3) REPORT TO JUDICIARY COMMITTEES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each submit to the Judiciary Committee of the Senate and of the House of Representatives a report that certifies compliance with this section and includes the information required to be reported under paragraph (1).

"(B) PERSONALLY IDENTIFIABLE INFORMATION.—The report under this paragraph shall not contain any personally identifiable information of any prisoner.

"(d) NOTICE.—Not later than 48 hours after the confirmation of a prisoner's pregnancy by a health care professional, that prisoner shall be notified by an appropriate health care professional, corrections official, or United States marshal, as applicable, of the restrictions on the use of restraints under this section.

"(e) VIOLATION REPORTING PROCESS.—The Director of the Bureau of Prisons, in consultation with the Director of the United States Marshals Service, shall establish a process through which a prisoner may report a violation of this section.

"(f) TRAINING.—

"(1) IN GENERAL.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each develop training guidelines regarding the use of restraints on female prisoners during the period of pregnancy, labor, and postpartum recovery, and shall incorporate such guidelines into appropriate training programs. Such training guidelines shall include—

"(A) how to identify certain symptoms of pregnancy that require immediate referral to a health care professional;

"(B) circumstances under which the exceptions under subsection (b) would apply;

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

"(D) the information required to be reported under subsection (c); and

"(E) the right of a health care professional to request that restraints not be used, and the requirement under subsection (b)(3)(B) to comply with such a request.

"(2) DEVELOPMENT OF GUIDELINES.—In developing the guidelines required by paragraph (1), the Directors shall each consult with health care professionals with expertise in caring for women during the period of pregnancy and postpartum recovery.

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

"(1) The term 'postpartum recovery' means the six-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner, following delivery, and shall include the entire period that the prisoner is in the hospital or infirmary.

"(2) The term 'restraints' means any physical or mechanical device used to control the movement of a prisoner's body, limbs, or both.

"(3) The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.".

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

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

TITLE III—BUREAU OF PRISONS USE OF OLEORESIN CAPSICUM SPRAY

SEC. 301. SHORT TITLE.

This title may be cited as the "Eric Williams Correctional Officer Protection Act of 2016".

SEC. 302. OFFICERS AND EMPLOYEES OF THE BUREAU OF PRISONS AUTHORIZED TO CARRY OLEORESIN CAPSICUM SPRAY.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§ 4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray

"(a) IN GENERAL.—The Director of the Bureau of Prisons shall issue, on a routine basis, oleoresin capsicum spray to—

"(1) any officer or employee of the Bureau of Prisons who—

"(A) is employed in a prison that is not a minimum or low security prison; and

"(B) may respond to an emergency situation in such a prison; and

"(2) to such additional officers and employees of prisons as the Director determines appropriate, in accordance with this section.

"(b) TRAINING REQUIREMENT.—

"(1) IN GENERAL.—In order for an officer or employee of the Bureau of Prisons, including a correctional officer, to be eligible to receive and carry oleoresin capsicum spray pursuant to this section, the officer or employee shall complete a training course before being issued such spray, and annually thereafter, on the use of oleoresin capsicum spray.

"(2) TRANSFERABILITY OF TRAINING.—An officer or employee of the Bureau of Prisons who completes a training course pursuant to paragraph (1) and subsequently transfers to employment at a different prison, shall not be required to complete an additional training course solely due such transfer.

"(3) TRAINING CONDUCTED DURING REGULAR EMPLOYMENT.—An officer or employee of the Bureau of Prisons who completes a training course required under paragraph (1) shall do so during the course of that officer or employee's regular employment, and shall be compensated at the same rate that the officer or employee would be compensated for conducting the officer or employee's regular duties.

"(c) USE OF OLEORESIN CAPSICUM SPRAY.—Officers and employees of the Bureau of Prisons issued oleoresin capsicum spray pursuant to subsection (a) may use such spray to reduce acts of violence—

"(1) committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons; and

"(2) committed by prison visitors against themselves, prisoners, other visitors, and officers and employees of the Bureau of Prisons.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by inserting after the item relating to section 4048 the following:

"4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray.".

SEC. 303. GAO REPORT.

Not later than the date that is 3 years after the date on which the Director of the Bureau of Prisons begins to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons pursuant to section 4049 of title 18, United States Code (as added by this title), the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An evaluation of the effectiveness of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are not minimum or low security prisons on—

(A) reducing crime in such prisons; and

(B) reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons.

(2) An evaluation of the advisability of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are minimum or low security prisons, including—

(A) the effectiveness that issuing such spray in such prisons would have on reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons; and

(B) the cost of issuing such spray in such prisons.

(3) Recommendations to improve the safety of officers and employees of the Bureau of Prisons in prisons.

TITLE IV—BUREAU OF PRISONS SECURE FIREARMS STORAGE

SEC. 401. SHORT TITLE.

This title may be cited as the "Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2016".

SEC. 402. FINDINGS.

Congress finds that—

(1) the Law Enforcement Officers Safety Act of 2004 (Public Law 108–277; 118 Stat. 865) gives certain law enforcement officers, including certain correctional officers of the Bureau of Prisons, the right to carry a concealed firearm in all 50 States for self-protection;

(2) the purpose of that Act is to allow certain law enforcement officers to protect themselves while off duty;

(3) correctional officers of the Bureau of Prisons have been the targets of assaults and murders while off duty; and

(4) while that Act allows certain law enforcement officers to protect themselves off duty, the Director of the Bureau of Prisons allows correctional officers of the Bureau of Prisons to securely store personal firearms at only 33 Federal penal and correctional institutions while at work.

SEC. 403. SECURE FIREARMS STORAGE.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, as amended by this Act, is further amended by adding at the end the following:

"§ 4050. Secure firearms storage

"(a) DEFINITIONS.—In this section—

"(1) the term 'employee' means a qualified law enforcement officer employed by the Bureau of Prisons; and

"(2) the terms 'firearm' and 'qualified law enforcement officer' have the meanings given those terms under section 926B.

"(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

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

"(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

"(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.".

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

"4050. Secure firearms storage.".

TITLE V—MISCELLANEOUS

SEC. 501. DE-ESCALATION TRAINING.

Beginning not later than 1 year after the date of the enactment of this Act, the Director of the Bureau of Prisons shall incorporate into training programs provided to officers and employees of the Bureau of Prisons (including officers and employees of an organization with which the Bureau of Prisons has a contract to provide services relating to imprisonment) specialized and comprehensive training in procedures to—

(1) de-escalate encounters between a law enforcement officer or an officer or employee of the Bureau of Prisons, and a civilian or a prisoner (as such term is defined in section 107 of this Act); and

(2) identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.

SEC. 502. MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE.

(a) REPORT ON MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and the capacity of the Bureau of Prisons to treat heroin and opioid abuse through medication-assisted treatment. The report shall include a description of plans to expand access to medication-assisted treatment for heroin and opioid abuse for prisoners in appropriate cases. Following submission, the Director shall take steps to implement these plans.

(b) REPORT ON THE AVAILABILITY OF MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE, AND IMPLEMENTATION THEREOF.—Not later than 90 days after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and capacity for the provision of medication-assisted treatment for opioid and heroin abuse by treatment-service providers serving prisoners who are serving a term of supervised release, and including a description of plans to expand access to medication assisted treatment for heroin and opioid abuse whenever appropriate among prisoners under supervised release. Following submission, the Director will take steps to implement these plans.

SEC. 503. MONITORING OF ELECTRONIC COMMUNICATIONS BETWEEN PRISONER AND ATTORNEY.

(a) PROHIBITION ON MONITORING.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall modify any program or system through which a prisoner (as such term is defined in section 107) sends or receives an electronic communication (as such term is defined in section 2510 of title 18, United States Code, and including the Trust Fund Limited Inmate Computer System) to exclude from monitoring the contents (as such term is defined in section 2510 of title 18, United States Code) of an electronic communication between a prisoner in a Bureau of Prisons facility and his or her attorney or other legal representative.

(b) RETENTION OF CONTENTS.—The modification required under subsection (a) may allow for the retention of the contents of the electronic communications described in subsection (a).

(c) EXCEPTION.—If a court of competent jurisdiction determines that there is sufficient evidence to support a reasonable belief of the Government that the information contained in an electronic communication described in subsection (a) was for the

purpose of perpetrating a fraud or crime, an in camera review of the contents of the communication may be conducted.

SEC. 504. PILOT PROGRAMS.

(a) IN GENERAL.—The Bureau of Prisons shall establish each of the following pilot programs for 2 years, in at least 10 facilities:

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

(2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE ANIMALS.—A program to equip prisoners with the skills to provide training and therapy to animals seized by Federal law enforcement under asset forfeiture authority and to organizations that provide shelter and similar services to abandoned, rescued, or otherwise vulnerable animals.

(b) REPORTING REQUIREMENT.—Not later than one year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the pilot programs under this section. Such report shall include cost savings, numbers of participants, and information about recidivism rates among participants.

(c) DEFINITION.—In this title, the term "youth" means a prisoner (as such term is defined in section 107) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.

SEC. 505. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

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

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

SEC. 506. DATA COLLECTION.

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

(1) The number of prisoners (as such term is defined in section 107 of this Act) who are veterans of the Armed Forces of the United States.

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

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

(4) The numbers of prisoners who volunteered to participate in a substance abuse treatment program, and the number of prisoners who have participated in such a program.

(5) The number of prisoners provided methadone or buprenorphine while in custody in order to manage withdrawal or to continually treat substance dependence and abuse.

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

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

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

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

(10) The number of prisoners who, during the previous year, received their GED or other equivalent certificate while incarcerated.

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

(12) The number of incidents, during the previous year, in which restraints were used on a female prisoner during pregnancy, labor, or postpartum recovery, as well as information relating to the type of restraints used, and the circumstances under which each incident occurred.

(13) The vacancy rate for medical and health care staff positions, and average length of such a vacancy.

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

(15) The number of facilities that during the previous year were accredited by the American Correctional Association.

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

(17) The number of facilities with remote learning capabilities.

(18) The number of facilities that offer prisoners video conferencing;

(19) Any changes in costs related to legal phone calls and visits following implementation of section 503 of this Act.

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

(b) REPORT TO JUDICIARY COMMITTEES.—Beginning not later than one year after the date of the enactment of this Act, and annually thereafter for a period of 7 years, the Director of the Bureau of Justice Statistics shall submit a report containing the information described in paragraphs (1) through (20) of subsection (a) to the Committees on the Judiciary of the House of Representatives and of the Senate.

SEC. 507. FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION; MODIFICATION OF IMPOSED TERM OF IMPRISONMENT.

(a) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (42 U.S.C. 17541) is amended—

(1) in subsection (g)—

(A) in paragraph (1)(B) by inserting after "the Attorney General may" the following: ", upon written request from the Director of the Bureau of Prisons or an eligible elderly offender,".

(B) in paragraph (3), by striking "carried out during fiscal years 2009 and 2010" and inserting "carried out during fiscal years 2016 through 2020"; and

(C) in paragraph (5)(A)(ii), by striking "the greater of 10 years or";

(2) by striking subsection (h);

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h), as so redesignated, by striking "2009 and 2010" and inserting "2016 through 2020".

(b) MODIFICATION OF IMPOSED TERM OF IMPRISONMENT.— Section 3582(c)(1)(A) of title 18, United States Code, is amended—

(1) in the matter preceding clause (i), by inserting after "Director of the Bureau of Prisons" the following: "or, if the Director does not make such a motion 30 days after receiving a request to make such a motion from the defendant, of the defendant"; and

(2) in clause (ii), by inserting after "the Director of the Bureau of Prisons" the following: ", or the court in the case that the court is considering a motion of the defendant".

SEC. 508. RELEASE COORDINATION.

(a) DESIGNATION OF RELEASE PREPARATION COORDINATOR.—The Director of the Bureau of Prisons shall designate one officer or employee of the Bureau of Prisons at each facility that houses prisoners, as the release preparation coordinator, who shall be responsible for determining the general release needs of the prisoner population and developing and implementing an institution release preparation program to address those needs.

(b) RELEASE PLAN.—Each prisoner shall develop a comprehensive release plan in conjunction with an institution release preparation program, with individualized assistance from an officer or employee of the Bureau of Prisons who is dedicated to and experienced in release preparation, including employment and housing counseling.

Amend the title so as to read:

A bill to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, to provide restrictions on the use of restraints on pregnant prisoners, to provide additional safety measures for officers and employees of the Bureau of Prisons, and for other purposes.

Purpose and Summary

This bill will enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk

and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction. It also makes various changes to the Bureau of Prisons' policies and procedures to ensure prisoner and guard safety and security.

Background and Need for the Legislation

In early 2015, Chairman Goodlatte and Ranking Member Conyers created a Criminal Justice Reform Initiative at the Judiciary Committee to address the significant Congressional interest in criminal justice reform from Members who do and do not serve on the Judiciary Committee. The purpose of the Initiative was to develop bipartisan legislation to address several facets of the federal criminal justice system, including over-criminalization, sentencing reform, prison and reentry reform, protecting citizens through improved criminal procedures and policing strategies, and civil asset forfeiture reform. In addressing these issues, the Committee has relied on the work of the Over-Criminalization Task Force, which held nine hearings on a variety of criminal justice topics during the 113th Congress, as well as the information provided to the Committee by interested Members during the Committee's public listening session in June 2015.

The Bureau of Prisons has a growing prison population that, because of its rising costs, is becoming a real and immediate threat to public safety. The growing prison budget is consuming an ever-increasing percentage of the Department of Justice's budget. According to the Statement of the Department's Inspector General before Congress on March 14, 2013, concerning oversight of the Department of Justice: "it is clear that something must be done . . . the Department cannot solve this challenge by spending more money to operate more Federal prisons unless it is prepared to make drastic cuts to other important areas of the Department's operations." [1]

Further, according to the Department's Criminal Division in 2013:

> Now with the sequester, the challenges for Federal criminal justice have increased dramatically and the choices we all face—Congress, the Judiciary, the Executive Branch—are that much clearer and more stark: control Federal prison spending or see significant reductions in the resources available for all non-prison criminal justice areas. If the current spending trajectory continues and we do not reduce the prison population and prison spending, there will continue to be fewer and fewer prosecutors to bring charges, fewer agents to investigate Federal crimes, less support to state and local criminal justice partners, less support to treatment, prevention and intervention programs, and cuts along a range of other criminal justice priorities. . . .
>
> [T]aken together, reductions in public safety spending that have already occurred and that are likely to continue

[1] http://www.justice.gov/oig/testimony/t1303.pdf. "Drastic cuts" in DOJ budgets may directly impact the investigative and prosecutorial resources in areas such as counterterrorism, cybercrimes, financial fraud, crimes against children, drug trafficking and other vital areas of current DOJ focus.

> in the coming years mean that the remarkable public safety achievements of the last 20 years are threatened unless reforms are instituted to make our public safety expenditures smarter and more productive.[2]

The Federal prison system needs to be reformed through the implementation of corrections policy reforms designed to enhance public safety by improving the effectiveness and efficiency of the Federal prison system in order to control corrections spending, manage the prison population, and reduce recidivism.

In January 2016, the Congressionally mandated Charles Colson Task Force on Federal Corrections (CCTF) determined that "lengthy waitlists indicate that BOP needs to immediately expand occupational training and educational programs. Research shows that such programs hold significant promise to reduce recidivism and improve individual outcomes following release, making their expansion all the more urgent. Research suggests that earning a working wage as a component of prison industry participation may enhance such program's effectiveness in reducing recidivism and improving employment outcomes. To increase the availability of occupational training opportunities, the Task Force also recommends that Congress expand the Federal Prison Industry's (FPI) authority, including increasing reliance on FPI products by Federal agencies."

Addressing the CCTF findings, the Committee is very concerned that inmate participation in prison industry over the last 8 years has plummeted from a decades long track record of 25% of eligible inmates participating to less than 8% today, coupled with dozens of industry factories that provide meaningful inmate work opportunities being shut down across the country.

The Committee believes that this precipitous decline in inmate prison industry employment levels, system-wide, can be tracked to the passage of specific legislative initiatives. The Committee strongly believes that without addressing the damage these legislative initiatives have caused and reversing same that it will be difficult to implement many of the recidivism reduction programming goals of this bill.

Moreover, the Committee is deeply concerned with the increased burden to taxpayers for the burgeoning costs of inmate incarceration, which has also led to increased pressure on DOJ's budget and other important DOJ priorities being forced into competition for these limited funds.

Therefore, based on the CCTF recommendations, the Committee encourages the Department of Justice and all its components to purchase from FPI to the fullest extent possible within current law. In addition, the Committee strongly encourages Congress to immediately seek the most expeditious, legislative efforts that remedy the decline in these critical occupational and educational programs thereby also supporting some of the most important overarching goals of the Criminal Justice Reform efforts to significantly reduce inmate recidivism, costs to taxpayers and society, and to significantly increase inmate post-release success, the safety of American citizens, and the safety of all of the inmates and Federal employees within the correctional institutions.

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[2] http://www.justice.gov/criminal/foia/docs/2013annual-letter-final-071113.pdf.

Hearings

The Committee on the Judiciary held no hearings on H.R. 759.

Committee Consideration

On February 11, 2016, the Committee met in open session and ordered the bill H.R. 759 favorably reported, with an 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 there were no recorded votes during the Committee's consideration of H.R. 759.

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. 759, 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, September 16, 2016.

Hon. BOB GOODLATTE, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 759, the "Recidivism Risk Reduction Act."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley, who can be reached at 226–2860.

Sincerely,

KEITH HALL,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 759—Recidivism Risk Reduction Act.

As ordered reported by the House Committee on the Judiciary on February 11, 2016.

SUMMARY

H.R. 759 would amend and expand the system for assessing recidivism risk and programs to reduce recidivism used within the federal prisons system. The bill would require the Department of Justice (DOJ) to develop a system to assess prisoner risks and needs and to periodically classify individual prisoner's risk of recidivism. Based on those classifications, prisoners would be provided the opportunity to participate in programs to reduce recidivism. By participating in such programs prisoners could earn credit that would allow them to complete their sentences in Residential Reentry Centers (RRCs) or home confinement.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 759 would cost $210 million over the 2017–2021 period. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 759 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 759 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 effect of H.R. 759 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					
	2017	2018	2019	2020	2021	2017-2021
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Recidivism Risk Assessment						
Authorization Level	40	40	40	40	40	200
Estimated Outlays	20	30	35	40	40	165
Other Costs						
Estimated Authorization Level	10	10	10	10	10	50
Estimated Outlays	7	8	10	10	10	45
Total Cost						
Estimated Authorization Level	50	50	50	50	50	250
Estimated Outlays	27	38	45	50	50	210

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 759 will be enacted near the end of 2016 and that the necessary amounts will be appropriated near the start of each fiscal year. Estimated outlays are based on historical patterns for similar activities.

Recidivism Risk Assessment

H.R. 759 would require the Attorney General to develop and implement a system to assess the risk of recidivism for prisoners that would incorporate ongoing analysis and evaluation of each prisoner's risk. The system would require a risk assessment when each prisoner enters prison and would be used to determine the types of programs a prisoner would be eligible to participate in. All inmates would be reassessed during their prison sentence to determine whether their risk of recidivism had changed. The legislation would authorize an annual appropriation of $40 million to carry out this requirement. CBO estimates that implementing this provision would cost $165 million over the next 5 years.

Other Costs

H.R. 759 would require DOJ to make various changes to training programs and protocols for corrections officers, prepare multiple reports on the effectiveness of new and existing programs, and collect additional data and prepare statistical information on prisoners and recidivism programs. Based on an analysis of information from DOJ and the Board of Prisons (BOP) about the level of effort needed to complete similar work, CBO estimates that implementing those requirements would cost about $45 million over the 2017–2021 period, mostly for additional staff.

The legislation also would prohibit the use of certain restraints on pregnant inmates; provide secure firearm storage for law enforcement officers; and institute various programs to improve train-

ing, data collection, and quality of life within the prison system. Based on information from DOJ and BOP, CBO estimates that implementing those requirements would have a negligible effect on discretionary spending.

Time Credits

Successful completion of recidivism reduction programs would allow participating inmates to earn credits that would allow them to serve part of their sentence in pre-release custody. Pre-release custody is a period of time spent under the supervision of the federal government outside of federal prison, prior to an inmate's official release from prison. Pre-release custody may involve RRCs or home confinement. The cost of supervision in pre-release custody can be twice that of supervision in a federal prison facility.

Based on information from BOP, CBO expects that inmates probably would not be able to use credits earned under the program established in H.R. 759 because there currently is no available bed space in existing RRCs and the federal government does not have the authority to build new ones. Therefore, CBO estimates that implementing this provision would not have a significant effect on federal spending.

PAY–AS–YOU–GO CONSIDERATIONS:

None.

INCREASE IN LONG–TERM DIRECT SPENDING AND DEFICITS:

CBO estimates that enacting H.R. 759 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

INTERGOVERNMENTAL AND PRIVATE–SECTOR IMPACT

H.R. 759 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

ESTIMATE PREPARED BY:

Federal Costs: Kim Cawley
Impact on State, Local, and Tribal Governments: Rachel Austin
Impact on the Private Sector: Paige Piper/Bach

ESTIMATE APPROVED BY:

H. Samuel Papenfuss
Deputy Assistant Director for Budget Analysis

Duplication of Federal Programs

No provision of H.R. 759 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

The Committee estimates that H.R.759 specifically directs to be completed no specific rule makings within the meaning of 5 U.S.C. § 551.

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. 759, will improve the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction, thereby protecting the safety of inmates, correction system employees, and American citizens

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 759 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

Section. 1. Short Title; Table of Contents

Sets forth the short title for the entire Act as the "Corrections and Recidivism Reduction Act of 2016" and sets forth the table of contents.

TITLE I. RECIDIVISM REDUCTION ACT

Section 101. Short Title.

This section cites the short title of the title as the "Recidivism Risk Reduction Act".

Section 102. Duties of the Attorney General

Directs the Attorney General to develop an offender risk and needs assessment system and recommendations on recidivism reduction programs and productive activities; to conduct ongoing research and data analysis; to conduct biennial reviews of the system and recommendations; and to report to Congress. The Attorney General must consult and hold periodic meetings with relevant stakeholders and make decisions based on statistical and empirical evidence.

Section 103. Post-sentencing Risk and Needs Assessment System

Requires the Attorney General to develop and release the "Post-Sentencing Risk and Needs Assessment System" (the "System"), not later than 180 days after enactment of this Act, to assess a prisoner's risk of recidivism and assign prisoners to appropriate programs and activities.

Instructs the Attorney General to adapt the Federal Post Conviction Risk Assessment Tool developed by the Administrative Office of the U.S. Courts to create an intake assessment tool and a reassessment tool to measure and use dynamic risk factors to indicate progress.

Requires the System to provide guidance on the kind and amount of recidivism reduction programming or productive activities for each prisoner. All prisoners must participate in programming and activities through the entire term of incarceration, but prisoners with a higher risk of recidivating shall receive greater amounts of programming.

Requires the System to provide guidance on grouping and housing to ensure prisoners with a similar risk of recidivism are together.

Establishes incentives and rewards for prisoners to participate in programming and activities. This includes increased family phone and visitation privileges and earned time credits.

Prisoners shall earn 10 days of time credits for each 30 days of successful participation in recidivism risk reduction programming or activities. If a prisoner shows a decrease in risk over two reassessments, then the prisoner can earn an additional 5 days (for a total of 15 days). A prisoner with a low or no risk of recidivism can earn the additional 5 days (for a total of 15 days) so long as that prisoner does not increase risk over two reassessments.

A prisoner may not earn time credits for programming or activities participated in before enactment of this Act and before the prisoner's sentence commences. Makes prisoners ineligible to earn time credits if the prisoner is serving a sentence for conviction of certain offenses.

Requires prisoners to be reassessed at least annually and, if the prisoner has a greater risk of recidivating, more frequently during the 5 years before release. Requires BOP to establish guidelines for reducing rewards and incentives for prisoners who violate prison, program, or activity rules, and for restoring those rewards and incentives based on individual progress.

Requires the Attorney General to develop training programs for BOP officials and employees related to the implementation and operation of the System and to conduct periodic audits of the System.

Section 104. Recidivism Reduction Program and Productive Activity Recommendations

Directs the Attorney General to review the effectiveness of existing programs in prisons operated by the Bureau and in state-operated prisons and make recommendations to the Bureau regarding the expansion of programming and activity capacity, the replication of effective programs, and the addition of any new programs that would help to reduce recidivism.

Section 105. Report

Directs the Attorney General to submit an annual report about the activities undertaken as a result of this Act.

Section 106. Use of System and Recommendations by Bureau of Prisons

Directs the Bureau to: (1) implement the System and complete a risk and needs assessment for each prisoner; (2) expand the effective programs it offers and add any new ones necessary to effectively implement the System; (3) phase in such programs according to a specified schedule; and (4) develop policies for the warden of each prison to enter into partnerships with specified nonprofit or-

ganizations, institutions of higher education, and private entities to expand such programs. Sets forth procedures for the transfer into pre-release custody of a prisoner determined to be less than likely to recidivate.

Section 107. Definitions

Sets forth the definitions used in the Act.

Section 108. Authorization of Appropriations

Authorizes $50 million from 2016 to 2020 to carry out the activities described in the Act.

TITLE II. RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

Section 201. Use of Restraints on Prisoners During the Period of Pregnancy

Prohibits the use of restraints on prisoners during the period of pregnancy and postpartum recovery. The prohibition shall not apply if the prisoner is determined to be an immediate and credible flight risk or poses an immediate and serious threat of harm to herself, the fetus or others. Requires a report to be filed with the Director of BOP and prisoner's healthcare professional when restraints are used. Requires BOP to provide information to Congress annually.

TITLE III—BUREAU OF PRISONS USE OF OLEORESIN CAPSICUM SPRAY

Section 301. Short title

Sets forth the short title for Title III as the "Eric Williams Correctional Officer Protection Act of 2016."

Section 302. Officers and Employees of the Bureau of Prisons Authorized to Carry Oleoresin Capsicum Spray

Authorizes the Director of BOP to issue pepper spray to those employed in a prison above the medium security level and establishes a training requirement for any employee to be eligible to receive and carry pepper spray. This section also establishes the circumstances in which an employee may use pepper spray.

Section 303. GAO Report

Requires the Comptroller General to submit a report to Congress not later than 3 years after enactment of this Act evaluating the effectiveness of using pepper spray in prison.

TITLE IV. BUREAU OF PRISONS SECURE FIREARMS STORAGE

Section 401. Short Title

Sets forth the short title for Title IV as the "Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2016."

Section 402. Findings

Sets forth the findings in support of Section 403.

Section 403. Secure firearms storage

Requires the Director of BOP to provide a secure storage area outside the secure perimeter of the facility for employees to store

firearms or to allow the employee to place firearms in secure storage boxes within vehicles.

TITLE V. MISCELLANEOUS

Section 501. De-escalation training

Requires BOP to provide de-escalation training as part of the regular training requirements of correctional officers.

Section 502. Medication-assisted Treatment for Opioid and Heroin Abuse

Requires BOP to submit a report and evaluation of the current pilot program to treat heroin and opioid abuse through medication-assisted treatment. Nothing in this section precludes the continuance or expansion of existing holistic, faith-based, and other drug-free models to treat heroin and opioid abuse.

Section 503. Monitoring of Electronic Communications Between Prisoner and Attorney

Requires BOP to exclude from monitoring the contents of electronic communications to or from a prisoner in a BOP facility and his attorney or other legal representative. The provision establishes a retention policy for these communications should a court determine that the crime-fraud exception to the attorney-client privilege applies.

Section 504. Pilot Programs

Requires BOP to establish two pilot programs for 2 years in 10 facilities. The first is a mentorship program for youth and the second is for the training and therapy of abandoned, rescued, or otherwise vulnerable animals.

Section 505. Ensuring Supervision of Released Sexually Dangerous Persons

Provides U.S. Probation and Pretrial Services authority to supervise sexually dangerous persons who have been conditionally released from civil commitment.

Section 506. Data Collection

Establishes for BOP a statistical and demographic data reporting requirement. This data must be provided to Congress annually for 7 years and as part of the National Prisoner Statistics Program.

Section 507. Federal Prisoner Reentry Initiative Reauthorization; Modification of Imposed Term of Imprisonment

Removes the 10-year requirement from the elderly release pilot program created by the Second Chance Act. This change mirrors the change made in the Second Chance Reauthorization Act recently passed by the House Judiciary Committee. Allows the prisoner to seek relief under the program directly from a court.

Section 508. Release Coordination

Requires BOP to designate one person at each facility to serve as a release preparation coordinator and requires every prisoner to

develop a comprehensive release plan with individualized assistance from staff with release preparation expertise.

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, and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

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PART II—CRIMINAL PROCEDURE

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CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS

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§ 3154. Functions and powers relating to pretrial services

Pretrial services functions shall include the following:

(1) Collect, verify, and report to the judicial officer, prior to the pretrial release hearing, information pertaining to the pretrial release of each individual charged with an offense, including information relating to any danger that the release of such person may pose to any other person or the community, and, where appropriate, include a recommendation as to whether such individual should be released or detained and, if release is recommended, recommend appropriate conditions of release; except that a district court may direct that information not be collected, verified, or reported under this paragraph on individuals charged with Class A misdemeanors as defined in section 3559(a)(6) of this title.

(2) Review and modify the reports and recommendations specified in paragraph (1) of this section for persons seeking release pursuant to section 3145 of this chapter.

(3) Supervise persons released into its custody under this chapter.

(4) Operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including residential halfway houses, addict and alcoholic treatment centers, and counseling services, and contract with any appropriate public or private agency or person, or expend funds, to monitor and provide treatment as well as nontreatment services to any such persons released in the community, including equipment and emergency housing, corrective and preventative guidance and training, and other services reasonably deemed necessary to protect the public and ensure that such persons appear in court as required.

(5) Inform the court and the United States attorney of all apparent violations of pretrial release conditions, arrests of per-

sons released to the custody of providers of pretrial services or under the supervision of providers of pretrial services, and any danger that any such person may come to pose to any other person or the community, and recommend appropriate modifications of release conditions.

(6) Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies.

(7) Assist persons released under this chapter in securing any necessary employment, medical, legal, or social services.

(8) Prepare, in cooperation with the United States marshal and the United States attorney such pretrial detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial.

(9) Develop and implement a system to monitor and evaluate bail activities, provide information to judicial officers on the results of bail decisions, and prepare periodic reports to assist in the improvement of the bail process.

(10) To the extent provided for in an agreement between a chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title, or the chief probation officer in all other districts, and the United States attorney, collect, verify, and prepare reports for the United States attorney's office of information pertaining to the pretrial diversion of any individual who is or may be charged with an offense, and perform such other duties as may be required under any such agreement.

(11) Make contracts, to such extent and in such amounts as are provided in appropriation Acts, for the carrying out of any pretrial services functions.

(12)(A) As directed by the court and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of section 4243 [or 4246]*, 4246, or 4248* of this title, and report such person's conduct and condition to the court ordering release and the Attorney General or his designee.

(B) Any violation of the conditions of release shall immediately be reported to the court and the Attorney General or his designee.

(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.

(14) Perform, in a manner appropriate for juveniles, any of the functions identified in this section with respect to juveniles awaiting adjudication, trial, or disposition under chapter 403 of this title who are not detained.

(15) Perform such other functions as specified under this chapter.

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CHAPTER 227—SENTENCES

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§ 3582. Imposition of a sentence of imprisonment

(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF IMPRISONMENT.—The court, in determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length of the term, shall consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction and rehabilitation. In determining whether to make a recommendation concerning the type of prison facility appropriate for the defendant, the court shall consider any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2).

(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to imprisonment can subsequently be—

(1) modified pursuant to the provisions of subsection (c);

(2) corrected pursuant to the provisions of rule 35 of the Federal Rules of Criminal Procedure and section 3742; or

(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

(c) MODIFICATION OF AN IMPOSED TERM OF IMPRISONMENT.—The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons *or, if the Director does not make such a motion 30 days after receiving a request to make such a motion from the defendant, of the defendant*, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

(i) extraordinary and compelling reasons warrant such a reduction; or

(ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c), for the offense or offenses for which the defendant is currently imprisoned, and a determination has been made by the Director of the Bureau of Prisons*, or the court in the case that the court is considering a motion of the defendant* that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g);

and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

(B) the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by stat-

ute or by Rule 35 of the Federal Rules of Criminal Procedure; and

(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

(d) INCLUSION OF AN ORDER TO LIMIT CRIMINAL ASSOCIATION OF ORGANIZED CRIME AND DRUG OFFENDERS.—The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.

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CHAPTER 229—POSTSENTENCE ADMINISTRATION

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SUBCHAPTER A—PROBATION

* * * * * * *

§ 3603. Duties of probation officers

A probation officer shall—

(1) instruct a probationer or a person on supervised release, who is under his supervision, as to the conditions specified by the sentencing court, and provide him with a written statement clearly setting forth all such conditions;

(2) keep informed, to the degree required by the conditions specified by the sentencing court, as to the conduct and condition of a probationer or a person on supervised release, who is under his supervision, and report his conduct and condition to the sentencing court;

(3) use all suitable methods, not inconsistent with the conditions specified by the court, to aid a probationer or a person on supervised release who is under his supervision, and to bring about improvements in his conduct and condition;

(4) be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district;

(5) keep a record of his work, and make such reports to the Director of the Administrative Office of the United States Courts as the Director may require;

(6) upon request of the Attorney General or his designee, assist in the supervision of and furnish information about, a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement, or while in prerelease custody pursuant to the provisions of section 3624(c);

(7) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked;

(8)(A) when directed by the court, and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of section 4243 [or 4246]*, 4246, or 4248* of this title, and report such person's conduct and condition to the court ordering release and to the Attorney General or his designee; and

(B) immediately report any violation of the conditions of release to the court and the Attorney General or his designee;

(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and

(10) perform any other duty that the court may designate.

* * * * * * *

SUBCHAPTER C—IMPRISONMENT

* * * * * * *

§ 3621. Imprisonment of a convicted person

(a) COMMITMENT TO CUSTODY OF BUREAU OF PRISONS.—A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of section 3624.

(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) the resources of the facility contemplated;

(2) the nature and circumstances of the offense;

(3) the history and characteristics of the prisoner;

(4) any statement by the court that imposed the sentence—

(A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or

(B) recommending a type of penal or correctional facility as appropriate; and

(5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

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 shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.

(c) DELIVERY OF ORDER OF COMMITMENT.—When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

(d) DELIVERY OF PRISONER FOR COURT APPEARANCES.—The United States marshal shall, without charge, bring a prisoner into court or return him to a prison facility on order of a court of the United States or on written request of an attorney for the Government.

(e) SUBSTANCE ABUSE TREATMENT.—

(1) PHASE-IN.—In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall, subject to the availability of appropriations, provide residential substance abuse treatment (and make arrangements for appropriate aftercare)—

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

(2) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

(A) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under paragraph (1) of this subsection,

shall remain in the custody of the Bureau under such conditions as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

(B) PERIOD OF CUSTODY.—The period a prisoner convicted of a nonviolent offense remains in custody after successfully completing a treatment program may be reduced by the Bureau of Prisons, but such reduction may not be more than one year from the term the prisoner must otherwise serve.

(3) REPORT.—The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain—

(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this subsection such sums as may be necessary for each of fiscal years 2007 through 2011.

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

(A) the term "residential substance abuse treatment" 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 pharmocotherapies, where appropriate, that may extend beyond the 6-month period);

(B) the term "eligible prisoner" means a prisoner who is—

(i) determined by the Bureau of Prisons to have a substance abuse problem; and

(ii) willing to participate in a residential substance abuse treatment program; and

(C) the term "aftercare" means placement, case management and monitoring of the participant in a community-based substance abuse treatment program when the participant leaves the custody of the Bureau of Prisons.

(6) COORDINATION OF FEDERAL ASSISTANCE.—The Bureau of Prisons shall consult with the Department of Health and Human Services concerning substance abuse treatment and related services and the incorporation of applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(f) SEX OFFENDER MANAGEMENT.—

(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

(2) REGIONS.—At least 1 sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.

(g) CONTINUED ACCESS TO MEDICAL CARE.—

(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons should ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine through partnerships with local health service providers and transition planning.

(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.

(h) POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the Post-Sentencing Risk and Needs Assessment System (referred to in this subsection as the "System") developed under the Recidivism Risk Reduction Act, the Bureau of Prisons shall—

(A) implement the System and complete a risk and needs assessment for each prisoner (as such term is defined in section 107 of the Recidivism Risk Reduction Act), regardless of the prisoner's length of imposed term of imprisonment; and

(B) expand the effective recidivism reduction programs (as such term is defined under section 107 of the Recidivism Risk Reduction Act) and productive activities it offers and add any new recidivism reduction programs and productive activities necessary to effectively implement the System, and in accordance with the recommendations made by the Attorney General under section 104 of that Act and with paragraph (2).

(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and com-

plete the kind and amount of recidivism reduction programming or productive activities necessary to effectively implement the System and that the Attorney General recommends, the Bureau of Prisons shall, subject to the availability of appropriations, provide such recidivism reduction programs and productive activities—

(A) for not less than 20 percent of prisoners before the date that is one year after the date on which the Bureau of Prisons completes the risk and needs assessments under paragraph (1)(A);

(B) for not less than 40 percent of prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes the risk and needs assessments under paragraph (1)(A);

(C) for not less than 60 percent of prisoners before the date that is 3 years after the date on which the Bureau of Prisons completes the risk and needs assessments under paragraph (1)(A);

(D) for not less than 80 percent of prisoners before the date that is 4 years after the date on which the Bureau of Prisons completes the risk and needs assessments under paragraph (1)(A); and

(E) for all prisoners before the date that is 5 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A) and thereafter.

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

(4) PRELIMINARY EXPANSION OF RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of the enactment of the Recidivism Risk Reduction Act, the Bureau of Prisons may begin to expand any recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programming and activities the incentives and rewards described in 103(e) of such Act.

(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand recidivism reduction programs and productive activities, the Bureau of Prisons shall develop policies for the warden of each prison to enter into partnerships, subject to the availability of appropriations, with any of the following:

(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

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

(C) Private entities that will—

(i) deliver vocational training and certifications;

(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

(iii) employ prisoners; or

(iv) assist prisoners in prerelease custody or supervised release in finding employment.

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

* * * * * * *

§ 3624. Release of a prisoner

(a) DATE OF RELEASE.—A prisoner shall be released by the Bureau of Prisons on the date of the expiration of the prisoner's term of imprisonment, less any time credited toward the service of the prisoner's sentence as provided in subsection (b). If the date for a prisoner's release falls on a Saturday, a Sunday, or a legal holiday at the place of confinement, the prisoner may be released by the Bureau on the last preceding weekday.

(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—

(1) Subject to paragraph (2), a prisoner who is serving a term of imprisonment of more than 1 year other than a term of imprisonment for the duration of the prisoner's life, may receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, subject to determination by the Bureau of Prisons that, during that year, the prisoner has displayed exemplary compliance with institutional disciplinary regulations. Subject to paragraph (2), if the Bureau determines that, during that year, the prisoner has not satisfactorily complied with such institutional regulations, the prisoner shall receive no such credit toward service of the prisoner's sentence or shall receive such lesser credit as the Bureau determines to be appropriate. In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree. Credit that has not been earned may not later be granted. Subject to paragraph (2), [credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence] *credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment*.

(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.

(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent.

(4) Exemptions to the General Educational Development requirement may be made as deemed appropriate by the Director of the Federal Bureau of Prisons.

(c) PRERELEASE 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 that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during prerelease custody under this subsection.

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

(5) REPORTING.—Not later than 1 year after the date of the enactment of the Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph 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.—The Director of the Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of the enactment of the Second Chance Act of 2007, which shall ensure that placement in a community correctional facility by the Bureau of Prisons is—

(A) conducted in a manner consistent with section 3621(b) of this title;

(B) determined on an individual basis; and

(C) of sufficient duration to provide the greatest likelihood of successful reintegration into the community.

(d) ALLOTMENT OF CLOTHING, FUNDS, AND TRANSPORTATION.—Upon the release of a prisoner on the expiration of the prisoner's term of imprisonment, the Bureau of Prisons shall furnish the prisoner with—

(1) suitable clothing;

(2) an amount of money, not more than $500, determined by the Director to be consistent with the needs of the offender and the public interest, unless the Director determines that the financial position of the offender is such that no sum should be furnished; and

(3) transportation to the place of the prisoner's conviction, to the prisoner's bona fide residence within the United States, or to such other place within the United States as may be authorized by the Director.

(e) SUPERVISION AFTER RELEASE.—A prisoner whose sentence includes a term of supervised release after imprisonment shall be released by the Bureau of Prisons to the supervision of a probation officer who shall, during the term imposed, supervise the person released to the degree warranted by the conditions specified by the sentencing court. The term of supervised release commences on the day the person is released from imprisonment and runs concurrently with any Federal, State, or local term of probation or supervised release or parole for another offense to which the person is subject or becomes subject during the term of supervised release. A term of supervised release does not run during any period in which the person is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than 30 consecutive days. Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner, and of the consequences of failure to pay such fines under sections 3611 through 3614 of this title.

(f) MANDATORY FUNCTIONAL LITERACY REQUIREMENT.—

(1) The Attorney General shall direct the Bureau of Prisons to have in effect a mandatory functional literacy program for all mentally capable inmates who are not functionally literate in each Federal correctional institution within 6 months from the date of the enactment of this Act.

(2) Each mandatory functional literacy program shall include a requirement that each inmate participate in such program for a mandatory period sufficient to provide the inmate with an adequate opportunity to achieve functional literacy, and appropriate incentives which lead to successful completion of such programs shall be developed and implemented.

(3) As used in this section, the term "functional literacy" means—

(A) an eighth grade equivalence in reading and mathematics on a nationally recognized standardized test;

(B) functional competency or literacy on a nationally recognized criterion-referenced test; or

(C) a combination of subparagraphs (A) and (B).

(4) Non-English speaking inmates shall be required to participate in an English-As-A-Second-Language program until they function at the equivalence of the eighth grade on a nationally recognized educational achievement test.

(5) The Chief Executive Officer of each institution shall have authority to grant waivers for good cause as determined and documented on an individual basis.

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

(1) ELIGIBLE PRISONERS.—

(A) IN GENERAL.—This subsection applies in the case of a prisoner (as such term is defined in section 107 of the Recidivism Risk Reduction Act) who—

(i) has earned time credits under the Post-Sentencing Risk and Needs Assessment System developed under

the Recidivism Risk Reduction Act (referred to in this subsection as the "System") in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

(ii) has been classified by the warden of the prison as otherwise qualified to be transferred into prerelease custody; and

(iii) except as provided in subparagraph (B), has not been determined under the System to be more likely than not to recidivate.

(B) EXCEPTION.—

(i) RECONSIDERATION BY WARDEN.—The warden of a prison shall, not later than 30 days after receiving from a prisoner who was determined under the System to be more likely than not to recidivate, but who is otherwise eligible for prerelease custody under this subsection, a request for reconsideration of the determination under the System that the prisoner is more likely than not to recidivate, review such prisoner's request, and either submit a recommendation under paragraph (2), or notify the prisoner in writing that the warden has reviewed the prisoner's request and made a determination not to submit a recommendation under paragraph (2).

(ii) RECONSIDERATION BY DIRECTOR.—In the case that the warden of a prison does not submit a recommendation or notify a prisoner under clause (i) during the time period described in that clause, the prisoner may submit such a request for reconsideration to the Director of the Bureau of Prisons, who shall, not later than 60 days after receiving such a request, review the request, and either submit a recommendation under paragraph (2), or notify the prisoner in writing that the Director has reviewed the prisoner's request and made a determination not to submit a recommendation under paragraph (2).

(iii) SUBMISSION TO COURT.—In the case that the Director does not submit a recommendation or notify a prisoner under clause (ii) during the time period described in that clause, the prisoner may submit such a request for reconsideration to the United States district court in which the prisoner was convicted. Upon making a determination after the review of a request under this clause, the court shall submit such determination to the Director and to the warden.

(2) RECOMMENDATION PROCESS.—

(A) SUBMISSION OF RECOMMENDATION.—The warden of the prison, or the Director of the Bureau of Prisons, as applicable, shall submit a recommendation that the prisoner be transferred into prerelease custody to the United States district court in which the prisoner was convicted.

(B) APPROVAL OR DENIAL.—

(i) IN GENERAL.—Not later than 30 days after the submission of a recommendation under subparagraph (A), a judge for such court shall approve or deny the

recommendation, except that a judge may only deny such a recommendation if the judge finds by clear and convincing evidence that the prisoner should not be transferred into prerelease custody based only on evidence of the prisoner's actions after the conviction of such prisoner and not based on evidence from the underlying conviction, and submits a detailed written statement regarding such finding to the warden of the prison who recommended that the prisoner be transferred into prerelease custody.

(ii) HEARING.—The court may hold a hearing in order to make a determination under clause (i). The prisoner shall have the right to be present at the hearing, which right may be satisfied through the use of video teleconference.

(iii) FAILURE TO DENY TREATED AS APPROVAL.—The failure of a judge to approve or deny a recommendation to transfer at the end of the 30-day period described in clause (i) shall be treated as an approval of such recommendation.

(3) PLACEMENT OF PRISONER IN PRERELEASE CUSTODY.—Upon the approval of a recommendation under paragraph (2)(B)(i), or 30 days after the warden or the Director submits a recommendation under paragraph (2)(A), whichever occurs earlier, the prisoner shall be placed in prerelease custody in accordance with this subsection.

(4) TYPES OF PRERELEASE CUSTODY.—A prisoner may be placed in prerelease custody as follows:

(A) HOME CONFINEMENT.—

(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

(I) be subject to 24-hour electronic monitoring that enables the prompt identification of any violation of subclause (II);

(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

(bb) participate in recidivism reduction programming or productive activities assigned by the System, or similar activities;

(cc) perform community service;

(dd) participate in crime victim restoration activities;

(ee) receive medical treatment; or

(ff) attend religious activities; and

(III) comply with such other conditions as the Director determines appropriate.

(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the

Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

(iv) DURATION.—Except as provided in paragraph (6), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

(B) COMMUNITY SUPERVISION.—A prisoner placed in prerelease custody pursuant to this subsection who is placed on community supervision—

(i) shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate;

(ii) may remain on community supervision until the conclusion of the prisoner's sentence; and

(iii) may only be placed on community supervision if the duration of the prisoner's eligibility for community supervision is equal to or longer than the duration of the prisoner's remaining period of prerelease custody.

(C) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

(5) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

(6) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison, or impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate.

(7) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines, for use by the Bureau of Prisons in determining—

(A) appropriate type of prerelease custody and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of recidivism risk level under the System.

(8) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with the United States Probation and Pretrial Services to supervise prisoners placed in home confinement or community supervision under this subsection. Such agreements shall—

(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (4) and (5);

(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody; and

(C) provide for the transfer of such funds as may be necessary to comply with such requirements.

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

(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

(h) ALIEN PRISONERS.—If a prisoner who is placed in prerelease custody is an alien whose deportation was ordered as a condition of such prerelease custody or who is subject to a detainer filed by United States Immigration and Customs Enforcement for the purposes of determining the alien's deportability, United States Immigration and Customs Enforcement shall take custody of the alien upon the alien's transfer to prerelease custody.

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PART III—PRISONS AND PRISONERS

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CHAPTER 303—BUREAU OF PRISONS

Sec.
4041. Bureau of Prisons; director and employees.

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4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray.
4050. Secure firearms storage.

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§ 4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray

(a) IN GENERAL.—The Director of the Bureau of Prisons shall issue, on a routine basis, oleoresin capsicum spray to—

(1) any officer or employee of the Bureau of Prisons who—

(A) is employed in a prison that is not a minimum or low security prison; and

(B) may respond to an emergency situation in such a prison; and

(2) to such additional officers and employees of prisons as the Director determines appropriate, in accordance with this section.

(b) TRAINING REQUIREMENT.—

(1) IN GENERAL.—In order for an officer or employee of the Bureau of Prisons, including a correctional officer, to be eligible to receive and carry oleoresin capsicum spray pursuant to this section, the officer or employee shall complete a training course before being issued such spray, and annually thereafter, on the use of oleoresin capsicum spray.

(2) TRANSFERABILITY OF TRAINING.—An officer or employee of the Bureau of Prisons who completes a training course pursuant to paragraph (1) and subsequently transfers to employment at a different prison, shall not be required to complete an additional training course solely due such transfer.

(3) TRAINING CONDUCTED DURING REGULAR EMPLOYMENT.—An officer or employee of the Bureau of Prisons who completes a training course required under paragraph (1) shall do so during the course of that officer or employee's regular employment, and shall be compensated at the same rate that the officer or employee would be compensated for conducting the officer or employee's regular duties.

(c) USE OF OLEORESIN CAPSICUM SPRAY.—Officers and employees of the Bureau of Prisons issued oleoresin capsicum spray pursuant to subsection (a) may use such spray to reduce acts of violence—

(1) committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons; and

(2) committed by prison visitors against themselves, prisoners, other visitors, and officers and employees of the Bureau of Prisons.

§ 4050. Secure firearms storage

(a) DEFINITIONS.—In this section—

(1) the term "employee" means a qualified law enforcement officer employed by the Bureau of Prisons; and

(2) the terms "firearm" and "qualified law enforcement officer" have the meanings given those terms under section 926B.

(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

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

(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

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

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CHAPTER 317—INSTITUTIONS FOR WOMEN

Sec.
4321. Board of Advisers.
4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited.

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

(a) PROHIBITION.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a healthcare professional, and ending at the conclusion of postpartum recovery, a prisoner in the custody of the Bureau of Prisons, or in the custody of the United States Marshals Service pursuant to section 4086, shall not be placed in restraints.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The prohibition under subsection (a) shall not apply if—

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

(i) is an immediate and credible flight risk that cannot reasonably be prevented by other means; or

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

(B) a health care professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the medical safety of the prisoner.

(2) LEAST RESTRICTIVE RESTRAINTS.—In the case that restraints are used pursuant to an exception under paragraph (1), only the least restrictive restraints necessary to prevent the harm or risk of escape described in paragraph (1) may be used.

(3) APPLICATION.—

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

(i) to place restraints around the ankles, legs, or waist of a prisoner;

(ii) to restrain a prisoner's hands behind her back;

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

(iv) to attach a prisoner to another prisoner.

(B) MEDICAL REQUEST.—Notwithstanding paragraph (1), upon the request of a healthcare professional who is responsible for the health and safety of a prisoner, a corrections official or United States marshal, as applicable, shall refrain from using restraints on the prisoner or remove restraints used on the prisoner.

(c) REPORTS.—

(1) REPORT TO THE DIRECTOR AND HEALTHCARE PROFESSIONAL.—If a corrections official or United States marshal uses restraints on a prisoner under subsection (b)(1), that official or

marshal shall submit, not later than 30 days after placing the prisoner in restraints, to the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, and to the healthcare professional responsible for the health and safety of the prisoner, a written report which describes the facts and circumstances surrounding the use of restraints, and includes—

(A) the reasoning upon which the determination to use restraints was made;

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

(C) any resulting physical effects on the prisoner observed by or known to the corrections official or United States marshal, as applicable.

(2) SUPPLEMENTAL REPORT TO THE DIRECTOR.—Upon receipt of a report under subsection (c)(1), the healthcare professional responsible for the health and safety of the prisoner may submit to the Director such information as the healthcare professional determines is relevant to the use of restraints on the prisoner.

(3) REPORT TO JUDICIARY COMMITTEES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each submit to the Judiciary Committee of the Senate and of the House of Representatives a report that certifies compliance with this section and includes the information required to be reported under paragraph (1).

(B) PERSONALLY IDENTIFIABLE INFORMATION.—The report under this paragraph shall not contain any personally identifiable information of any prisoner.

(d) NOTICE.—Not later than 48 hours after the confirmation of a prisoner's pregnancy by a health care professional, that prisoner shall be notified by an appropriate health care professional, corrections official, or United States marshal, as applicable, of the restrictions on the use of restraints under this section.

(e) VIOLATION REPORTING PROCESS.—The Director of the Bureau of Prisons, in consultation with the Director of the United States Marshals Service, shall establish a process through which a prisoner may report a violation of this section.

(f) TRAINING.—

(1) IN GENERAL.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each develop training guidelines regarding the use of restraints on female prisoners during the period of pregnancy, labor, and postpartum recovery, and shall incorporate such guidelines into appropriate training programs. Such training guidelines shall include—

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

(B) circumstances under which the exceptions under subsection (b) would apply;

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

(D) the information required to be reported under subsection (c); and

(E) the right of a health care professional to request that restraints not be used, and the requirement under subsection (b)(3)(B) to comply with such a request.

(2) DEVELOPMENT OF GUIDELINES.—In developing the guidelines required by paragraph (1), the Directors shall each consult with health care professionals with expertise in caring for women during the period of pregnancy and postpartum recovery.

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

(1) The term "postpartum recovery" means the six-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner, following delivery, and shall include the entire period that the prisoner is in the hospital or infirmary.

(2) The term "restraints" means any physical or mechanical device used to control the movement of a prisoner's body, limbs, or both.

(3) The term "prisoner" means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.

SECOND CHANCE ACT OF 2007

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TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

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Subtitle C—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

SEC. 231. FEDERAL PRISONER REENTRY INITIATIVE.

(a) IN GENERAL.—The Attorney General, in coordination with the Director of the Bureau of Prisons, shall, subject to the availability of appropriations, conduct the following activities to establish a Federal prisoner reentry initiative:

(1) The establishment of a Federal prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, including, at a minimum, that the Bureau of Prisons—

(A) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(B) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(C) determine program assignments for prisoners based on the areas of need identified through the assessment described in subparagraph (A);

(D) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(E) coordinate and collaborate with other Federal agencies and with State, Tribal, and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into communities;

(F) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(G) provide incentives for prisoner participation in skills development programs.

(2) Incentives for a prisoner who participates in reentry and skills development programs which may, at the discretion of the Director, include—

(A) the maximum allowable period in a community confinement facility; and

(B) such other incentives as the Director considers appropriate (not including a reduction of the term of imprisonment).

(b) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—

(1) OBTAINING IDENTIFICATION.—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(2) ASSISTANCE DEVELOPING RELEASE PLAN.—At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(3) DIRECT-RELEASE PRISONER DEFINED.—In this section, the term "direct-release prisoner" means a prisoner who is scheduled for release and will not be placed in prerelease custody.

(c) IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.—The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national, State, and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

(d) DUTIES OF THE BUREAU OF PRISONS.—

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

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(D) establish prerelease planning procedures that help prisoners—

"(i) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

"(ii) secure such identification and benefits prior to release, subject to any limitations in law; and

"(E) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

"(i) Health and nutrition.

"(ii) Employment.

"(iii) Literacy and education.

"(iv) Personal finance and consumer skills.

"(v) Community resources.

"(vi) Personal growth and development.

"(vii) Release requirements and procedures.".

(2) MEASURING THE REMOVAL OF OBSTACLES TO REENTRY.—

(A) CODING REQUIRED.—The Director shall ensure that each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.

(B) TRACKING.—In carrying out this paragraph, the Director shall quantitatively track the progress in responding to the reentry needs and deficits of individual inmates.

(C) ANNUAL REPORT.—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of the Bureau of Prisons in responding to the reentry needs and deficits of inmates.

(D) EVALUATION.—The Director shall ensure that—

(i) the performance of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry is measured and evaluated using recognized measurements; and

(ii) plans for corrective action are developed and implemented as necessary.

(3) MEASURING AND IMPROVING RECIDIVISM OUTCOMES.—

(A) ANNUAL REPORT REQUIRED.—

(i) IN GENERAL.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(ii) SCOPE.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(B) MEASURE USED.—In preparing the reports required by subparagraph (A), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(C) GOALS.—

(i) IN GENERAL.—After the Director submits the first report required by subparagraph (A), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(ii) CONTENTS.—The goals established under clause (i) shall use the relative reductions in recidivism measured for the fiscal year covered by the first report required by subparagraph (A) as a baseline rate, and shall include—

(I) a 5-year goal to increase, at a minimum, the baseline relative reduction rate of recidivism by 2 percent; and

(II) a 10-year goal to increase, at a minimum, the baseline relative reduction rate of recidivism by 5 percent within 10 fiscal years.

(4) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(5) MEDICAL CARE.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a

minimum, a 2-week supply of such medications) upon release from custody.

(e) ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.—The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act) that provide services at any center operated under a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

(f) MEDICAL CARE FOR PRISONERS.—Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

"(g) CONTINUED ACCESS TO MEDICAL CARE.—

"(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons should ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine through partnerships with local health service providers and transition planning.

"(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.".

(g) ELDERLY AND FAMILY REUNIFICATION FOR CERTAIN NONVIOLENT OFFENDERS PILOT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Attorney General shall conduct a pilot program to determine the effectiveness of removing eligible elderly offenders from a Bureau of Prisons facility and placing such offenders on home detention until the expiration of the prison term to which the offender was sentenced.

(B) PLACEMENT IN HOME DETENTION.—In carrying out a pilot program as described in subparagraph (A), the Attorney General may, *upon written request from the Director of the Bureau of Prisons or an eligible elderly offender,* release some or all eligible elderly offenders from the Bureau of Prisons facility to home detention.

(C) WAIVER.—The Attorney General is authorized to waive the requirements of section 3624 of title 18, United States Code, as necessary to provide for the release of some or all eligible elderly offenders from the Bureau of Prisons facility to home detention for the purposes of the pilot program under this subsection.

(2) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under

paragraph (1), or to another appropriate Bureau of Prisons institution, as determined by the Bureau of Prisons.

(3) SCOPE OF PILOT PROGRAM.—A pilot program under paragraph (1) shall be conducted through at least one Bureau of Prisons facility designated by the Attorney General as appropriate for the pilot program and shall be [carried out during fiscal years 2009 and 2010] *carried out during fiscal years 2016 through 2020*.

(4) IMPLEMENTATION AND EVALUATION.—The Attorney General shall monitor and evaluate each eligible elderly offender placed on home detention under this section, and shall report to Congress concerning the experience with the program at the end of the period described in paragraph (3). The Administrative Office of the United States Courts and the United States probation offices shall provide such assistance and carry out such functions as the Attorney General may request in monitoring, supervising, providing services to, and evaluating eligible elderly offenders released to home detention under this section.

(5) DEFINITIONS.—In this section:

(A) ELIGIBLE ELDERLY OFFENDER.—The term "eligible elderly offender" means an offender in the custody of the Bureau of Prisons—

(i) who is not less than 65 years of age;

(ii) who is serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code, and has served [the greater of 10 years or] 75 percent of the term of imprisonment to which the offender was sentenced;

(iii) who has not been convicted in the past of any Federal or State crime of violence, sex offense, or other offense described in clause (ii);

(iv) who has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence, or of engaging in conduct constituting a sex offense or other offense described in clause (ii);

(v) who has not escaped, or attempted to escape, from a Bureau of Prisons institution;

(vi) with respect to whom the Bureau of Prisons has determined that release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and

(vii) who has been determined by the Bureau of Prisons to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention.

(B) HOME DETENTION.—The term "home detention" has the same meaning given the term in the Federal Sentencing Guidelines as of the date of the enactment of this Act, and includes detention in a nursing home or other residential long-term care facility.

(C) TERM OF IMPRISONMENT.—The term "term of imprisonment" includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

[(h) FEDERAL REMOTE SATELLITE TRACKING AND REENTRY TRAINING PROGRAM.—

[(1) ESTABLISHMENT OF PROGRAM.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, may establish the Federal Remote Satellite Tracking and Reentry Training (ReStart) program to promote the effective reentry into the community of high risk individuals.

[(2) HIGH RISK INDIVIDUALS.—For purposes of this section, the term "high risk individual" means—

[(A) an individual who is under supervised release, with respect to a Federal offense, and who has previously violated the terms of a release granted such individual following a term of imprisonment; or

[(B) an individual convicted of a Federal offense who is at a high risk for recidivism, as determined by the Director of the Bureau of Prisons, and who is eligible for early release pursuant to voluntary participation in a program of residential substance abuse treatment under section 3621(e) of title 18, United States Code, or a program described in this section.

[(3) PROGRAM ELEMENTS.—The program authorized under paragraph (1) shall include, with respect to high risk individuals participating in such program, the following core elements:

[(A) A system of graduated levels of supervision, that uses, as appropriate and indicated—

[(i) satellite tracking, global positioning, remote satellite, and other tracking or monitoring technologies to monitor and supervise such individuals in the community; and

[(ii) community corrections facilities and home confinement.

[(B) Substance abuse treatment and aftercare related to such treatment, mental and medical health treatment and aftercare related to such treatment, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, and other programs to promote effective reentry into the community as appropriate.

[(C) Involvement of the family of such an individual, a victim advocate, and the victim of the offense committed by such an individual, if such involvement is safe for such victim (especially in a domestic violence case).

[(D) A methodology, including outcome measures, to evaluate the program.

[(E) Notification to the victim of the offense committed by such an individual of the status and nature of such an individual's reentry plan.]

[(i)] *(h)* AUTHORIZATION FOR APPROPRIATIONS FOR BUREAU OF PRISONS.—There are authorized to be appropriated to the Attorney General to carry out this section, $5,000,000 for each of fiscal years [2009 and 2010] *2016 through 2020*.

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