

105TH CONGRESS  
2D SESSION

# H. R. 3893

To amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1998

Mr. ENSIGN (for himself and Mr. GIBBONS) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Common Sense Prison  
5 Work and Victim Restitution Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) work is inherently American and honorable;

2           (2) work is of fundamental importance to any  
3       orderly society which reveres such common values as  
4       responsibility, independence, and respect for others;

5           (3) in order to reduce recidivism, provide res-  
6       titution to victims, reparations to communities, and  
7       promote the values of responsibility, independence,  
8       and respect for others, the Federal Government  
9       should enact policies which expand work, edu-  
10      cational, and life skills opportunities for prisoners  
11      incarcerated in Federal and State penal institutions;

12          (4) American taxpayers are justified to expect  
13      that prisoners reimburse the United States Treasury  
14      for the cost of their incarceration, and in addition,  
15      that prisoners should make monetary restitution to  
16      a fund which benefits the victims of crime;

17          (5) prisoners should be prohibited from engag-  
18      ing in certain types of activities which are not  
19      healthy and conducive to their successful rehabilita-  
20      tion and restitution;

21          (6) prisoners should not have access to certain  
22      amenities which are unnecessary, enhance leisure ac-  
23      tivities, or do not promote successful rehabilitation;

1           (7) existing Federal laws limit prisoners from  
2           engaging in work, and do not impose mandatory  
3           work requirements for prisoners;

4           (8) existing barriers to prisoner labor should be  
5           removed and Federal laws should be strengthened to  
6           ensure that prisoners, their victims, taxpayers, and  
7           society in general reap the maximum benefits and  
8           positive values associated with work; and

9           (9) when implemented effectively, shock incar-  
10          ceration, or “boot camp” programs, can provide of-  
11          fenders with a heightened sense of personal respon-  
12          sibility, confidence, self-discipline, and an increased  
13          ability to make a successful return to the community  
14          while maximizing and fostering a safe and orderly  
15          work environment for corrections’ personnel.

16 **SEC. 3. WORK REQUIREMENT FOR FEDERAL PRISONERS.**

17          (a) WORK REQUIREMENT.—Section 2905 of the  
18          Crime Control Act of 1990 (18 U.S.C. 4121 note) is  
19          amended by adding at the end of subsection (a) the follow-  
20          ing: “Subject to this section, such inmates shall engage  
21          in work for not less than 50 hours weekly. In addition  
22          inmates shall engage job-training and educational and life  
23          skills preparation study. In the event that opportunities  
24          otherwise provided by law for inmates to work are not suf-  
25          ficient to meet the requirements of the preceding sentence,

1 notwithstanding any other provision of law, the services  
2 of prisoners may also be made available to nonprofit enti-  
3 ties to carry out any of their business or other functions.  
4 Each authority of the United States that makes grants  
5 to nonprofit entities shall take appropriate action to in-  
6 form such entities of the availability of inmates for this  
7 purpose. The Attorney General shall make rules governing  
8 the provision of services by inmates to such entities and  
9 the payment of any wages or other compensation for such  
10 services.”.

11 (b) USE OF PRISON LABOR BY PRIVATE ENTITIES.—  
12 The Attorney General shall, not later than one year after  
13 the date of the enactment of this Act, submit legislative  
14 recommendations to Congress to permit Federal prisoners  
15 to perform work for private employers while minimizing  
16 the economic impact on the private sector of this expan-  
17 sion of the use of prison labor.

18 (c) USE OF REVENUES FROM PRISON LABOR.—

19 (1) There is established in the Treasury a Fund  
20 (hereinafter in this subsection referred to as the  
21 “Fund”).

22 (2) All proceeds and wages, less any taxes or  
23 withholding required by Federal or State law, from  
24 prison labor performed by inmates under the super-

1 vision of the Attorney General shall be placed in the  
2 Fund.

3 (3) The Fund shall be used, under guidelines  
4 established by the Attorney General, as follows:

5 (A) One third shall be used to offset the  
6 costs of prisoner incarceration.

7 (B) One third shall be used for victim res-  
8 titution.

9 (C) One tenth to be held in a non-interest  
10 bearing account for the individual prisoner, to  
11 be paid on release from prison, but if the pris-  
12 oner will not be eligible for release, then this  
13 portion shall be immediately available for use  
14 under subparagraph (B).

15 (D) The remainder to States and local ju-  
16 risdictions that operate correctional facilities to  
17 benefit the dependents of prisoners, but only to  
18 those States the Attorney General determines  
19 have substantially the same prison work re-  
20 quirements and prison conditions as established  
21 for Federal prisoners.

22 **SEC. 4. PRISON CONDITIONS.**

23 The Bureau of Prisons shall ensure that Federal pris-  
24 oners—

1           (1) do not possess, view, or read pornographic  
2           or sexually explicit materials;

3           (2) are subject not less often than once each  
4           month to a combination of random and regularly  
5           scheduled testing for drugs and illegal substances;

6           (3) do not possess microwave ovens, hot plates,  
7           toaster ovens, or televisions (unless provided by the  
8           prison for group viewing), or VCRs;

9           (4) do not possess, or listen to, music which  
10          contains lyrics that are violent, sexually explicit, vul-  
11          gar, glamorize gang membership or activities, de-  
12          mean women or disrespect law enforcement;

13          (5) do not view cable television which is not  
14          educational in nature; and

15          (6) do not engage in sexual activity.

16 **SEC. 5. REPORT ON DRUG TESTING COSTS.**

17          Not later than one year after the date of the enact-  
18          ment of this Act, the Attorney General, in consultation  
19          with the General Accounting Office, shall report to Con-  
20          gress the then anticipated annual costs, for each of the  
21          5 following fiscal years, of implementing a monthly drug  
22          testing program for all Federal prisoners.

23 **SEC. 6. DRUG DETECTION DOG PROGRAM.**

24          (a) IN GENERAL.—Not later than one year after the  
25          date of the enactment of this Act, the Attorney General

1 shall establish a program to utilize drug detection dogs  
 2 in inmate work areas, living quarters, and delivery areas  
 3 for the purpose of detecting narcotics.

4 (b) AUTHORIZATION.—There is authorized to be ap-  
 5 propriated \$10,000,000 to carry out subsection (a).

6 **SEC. 7. ELIMINATION OF SENTENCING INEQUITIES FOR**  
 7 **DRUG OFFENDERS.**

8 (a) IN GENERAL.—Subparagraph (B) of section  
 9 3621(e)(2) of title 18, United States Code, is amended  
 10 to read as follows:

11 “(B) ADMINISTRATION OF TREATMENT  
 12 PROGRAMS.—The Attorney General shall ensure  
 13 through the use of all appropriate and available  
 14 incentives and sanctions that eligible prisoners  
 15 undergo a program of substance abuse treat-  
 16 ment.”.

17 (b) CONFORMING AMENDMENT.—The heading for  
 18 paragraph (2) of section 3621(e) of title 18, United States  
 19 Code, is amended by striking “INCENTIVE FOR PRIS-  
 20 ONERS’ SUCCESSFUL COMPLETION OF TREATMENT PRO-  
 21 GRAM” and inserting “TREATMENT REQUIREMENT”.

22 (c) ELIGIBILITY.—Clause (ii) of section  
 23 3621(e)(5)(B) of title 18, United States Code, is amended  
 24 to read as follows:

1 “(ii) within 24 months of the date of  
2 release, or is otherwise designated by the  
3 Bureau of Prisons for participation in a  
4 residential substance abuse treatment pro-  
5 gram; and”.

6 **SEC. 8. BOOT CAMP REQUIREMENT.**

7 Section 4046 of title 18, United States Code, is  
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “may” and inserting  
11 “shall, except as provided in subsection (d),”;  
12 and

13 (B) by striking “of more than 12” and all  
14 that follows through the end of such subsection  
15 and inserting a period;

16 (2) in subsection (b), by striking “not to exceed  
17 6 months” and inserting “which shall be not less  
18 than 4 weeks”; and

19 (3) by adding at the end the following:

20 “(d) An inmate who, in the judgment of the Bureau  
21 of Prisons, either does not successfully complete the re-  
22 quired period of shock incarceration or is physically or  
23 mentally unfit to participate in the activities required by  
24 shock incarceration, shall be confined to that inmate’s cell  
25 for not less than 23 hours each day during the portion



1 of the term of imprisonment that would otherwise be spent  
2 in shock incarceration and shall, during the remainder of  
3 that term, be granted no privileges other than those re-  
4 quired by law.”.

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