

108TH CONGRESS
2D SESSION

H. R. 5075

To encourage successful re-entry of incarcerated persons into the community after release, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2004

Mr. CONYERS (for himself, Mr. SCOTT of Virginia, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Education and the Workforce, Financial Services, Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage successful re-entry of incarcerated persons into the community after release, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Re-Entry Enhancement Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—GRANTS TO ENCOURAGE SUCCESSFUL PRISONER RE-ENTRY

- Sec. 101. Reauthorization of adult and juvenile offender State and local re-entry demonstration projects.
- Sec. 102. Improved re-entry procedures for Federal prisoners.
- Sec. 103. Task force on Federal programs and activities relating to reentry of offenders.
- Sec. 104. Offender re-entry research.
- Sec. 105. Use of violent offender truth-in-sentencing Grant funding for demonstration project activities.
- Sec. 106. State and local reentry courts.
- Sec. 107. Federal Enhanced In-Prison Vocational Assessment and Training Demonstration Project.

TITLE II—REMOVING BARRIERS TO RE-ENTRY

- Sec. 201. Right to vote in Federal elections for nonincarcerated ex-offenders.
- Sec. 202. Prohibition on unwarranted employment discrimination.
- Sec. 203. Increase in Federal work opportunity tax credit.
- Sec. 204. Reform of student financial assistance.
- Sec. 205. Reform of “one strike” mandatory eviction.
- Sec. 206. Amendment to the Adult Education and Family Literacy Act to remove restriction on amount of funds available for corrections education programs.
- Sec. 207. Clarification of authority to place prisoner in community corrections.
- Sec. 208. Denial of tanf and food stamps for felony conviction for welfare fraud.
- Sec. 209. Reform of provisions that limit family reunification after prison.
- Sec. 210. State medicaid plan requirement to ensure restoration of coverage for eligible individuals upon release from confinement.
- Sec. 211. Reform of supervised release.
- Sec. 212. Grants to study parole violations and revocations.
- Sec. 213. Residential substance abuse treatment programs.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

- 3 (1) Over 2,000,000 prisoners are now held in
- 4 Federal and State prisons and local jails. Nearly
- 5 925,000 Americans are convicted of felony offenses
- 6 in the Nation’s courts each year, and some 600,000
- 7 are incarcerated as a result. Over 5,600,000 Amer-
- 8 ican adults have spent time in a State or Federal
- 9 prison. If incarceration rates remain unchanged, 6.6
- 10 percent of Americans born in 2001 will go to prison

1 at some time during their lifetime. A total of
2 6,700,000 Americans were under some form of
3 criminal justice supervision by the end of 2002. Over
4 4,700,000 adult men and women were under Fed-
5 eral, State, or local probation or parole by the end
6 of 2002. Over 650,000 people a year return to their
7 communities following a prison or jail sentence.

8 (2) The successful reintegration of former pris-
9 oners is one of the most formidable challenges facing
10 society today. The transition from prison life is in-
11 herently difficult, and especially so for individuals
12 who have served a lengthy sentence and received lit-
13 tle preparation for life in law-abiding society. A
14 former prisoner may find it difficult to find employ-
15 ment, housing, health care, and public assistance.
16 He or she may be cut off from his or her family and
17 community.

18 (3) As a result of these challenges, nearly two-
19 thirds of released State prisoners are expected to be
20 re-arrested for a felony or serious misdemeanor
21 within three years after release. Such high recidi-
22 vism rates can be averted through improved prisoner
23 re-entry efforts.

24 (4) In recent years, a number of States and
25 local governments have begun to establish improved

1 systems for reintegrating former prisoners. Under
2 such systems, corrections officials begin to plan for
3 a prisoner's release while he or she is incarcerated
4 and provide a transition to needed services in the
5 community.

6 (5) Successful re-entry protects those who
7 might otherwise be crime victims. It also improves
8 the likelihood that individuals released from prison
9 or juvenile detention facilities can pay fines, fees,
10 restitution, and family support.

11 (6) According to the Bureau of Justice Statis-
12 tics, expenditures on corrections alone increased
13 from \$9,000,000,000 in 1982 to \$44,000,000,000 in
14 1997. These figures do not include the cost of arrest
15 and prosecution, nor do they take into account the
16 cost to victims.

17 (7) Incarceration results in profound collateral
18 consequences including, but not limited to, barriers
19 to housing, public assistance, family reunification,
20 employment, and voting rights, which results in pub-
21 lic health risks, homelessness, unemployment, and
22 disenfranchisement. All of these negative outcomes
23 contribute to increased recidivism.

24 (8) The high prevalence of infectious disease,
25 substance abuse, and mental health disorders that

1 has been found in incarcerated populations demands
2 that a recovery model of treatment should be used
3 for handling the more than two-thirds of all offend-
4 ers with such needs.

5 (9) One of the most significant costs of prisoner
6 re-entry is the impact on children, the weakened ties
7 among family members, and destabilized commu-
8 nities. The long-term generational effects of a social
9 structure in which imprisonment is the norm and
10 law-abiding role models are absent are difficult to
11 measure but undoubtedly exist.

12 (10) According to the 2001 national data from
13 the Bureau of Justice Statistics, 3,500,000 parents
14 were supervised by the correctional system. Prior to
15 incarceration, 64 percent of female prisoners and 44
16 percent of male prisoners in State facilities lived
17 with their children.

18 (11) Between 1991 and 1999, the number of
19 children with a parent in a Federal or State correc-
20 tional facility increased by more than 100 percent,
21 from approximately 900,000 to approximately
22 2,000,000. According to the Bureau of Prisons,
23 there is evidence to suggest that inmates who are
24 connected to their children and families are more

1 likely to avoid negative incidents and have reduced
2 sentences.

3 (12) Approximately 100,000 juveniles (ages 17
4 and under) leave juvenile correctional facilities, State
5 prison, or Federal prison each year. Juveniles re-
6 leased from confinement still have their likely prime
7 crime years ahead of them. Juveniles released from
8 secure confinement have a recidivism rate ranging
9 from 55 to 75 percent. The chances that young peo-
10 ple will successfully transition into society improve
11 with effective re-entry and aftercare programs.

12 (13) Studies have shown that from 15 percent
13 to 27 percent of prisoners expect to go to homeless
14 shelters upon release from prison.

15 (14) The National Institute of Justice has
16 found that after one year of release, up to 60 per-
17 cent of former inmates are not employed.

18 (15) Fifty-seven percent of Federal and 70 per-
19 cent of State inmates used drugs regularly before
20 prison, with some estimates of involvement with
21 drugs or alcohol around the time of the offense as
22 high as 84 percent (BJS Trends in State Parole,
23 1990–2000).

24 (16) According to the Bureau of Justice Statis-
25 tics, 60 to 83 percent of the Nation's correctional

1 population have used drugs at some point in their
2 lives. This is twice the estimated drug use of the
3 total United States population of 40 percent.

4 (17) Family-based treatment programs have
5 proven results for serving the special population of
6 female offenders and substance abusers with chil-
7 dren. An evaluation by the Substance Abuse and
8 Mental Health Services Administration of family-
9 based treatment for substance abusing mothers and
10 children found that at six months post treatment, 60
11 percent of the mothers remain alcohol and drug free,
12 and drug related offenses declined from 28 to 7 per-
13 cent. Additionally, a 2003 evaluation of residential
14 family based treatment programs revealed that 60
15 percent of mothers remained clean and sober six
16 months after treatment, criminal arrests declined by
17 43 percent, and 88 percent of the children treated
18 in the program with their mothers remain stabilized.

19 (18) A Bureau of Justice Statistics analysis in-
20 dicated that only 33 percent of Federal and 36 per-
21 cent of State inmates had participated in residential
22 inpatient treatment programs for alcohol and drug
23 abuse 12 months before their release. Further, over
24 one-third of all jail inmates have some physical or
25 mental disability and 25 percent of jail inmates have

1 been treated at some time for a mental or emotional
2 problem.

3 (19) According to the National Institute of Lit-
4 eracy, 70 percent of all prisoners function at the two
5 lowest literacy levels.

6 (20) The Bureau of Justice Statistics has found
7 that 27 percent of Federal inmates, 40 percent of
8 State inmates, and 47 percent of local jail inmates
9 have never completed high school or its equivalent.
10 Furthermore, the Bureau of Justice Statistics has
11 found that less educated inmates are more likely to
12 be recidivists. Only 1 in 4 local jails offer basic adult
13 education programs.

14 (21) Participation in State correctional edu-
15 cation programs lowers the likelihood of reincarcer-
16 ation by 29 percent, according to a recent United
17 States Department of Education study. A Federal
18 Bureau of Prisons study found a 33 percent drop in
19 recidivism among federal prisoners who participated
20 in vocational and apprenticeship training.

1 **TITLE I—GRANTS TO ENCOUR-**
2 **AGE SUCCESSFUL PRISONER**
3 **RE-ENTRY**

4 **SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OF-**
5 **FENDER STATE AND LOCAL RE-ENTRY DEM-**
6 **ONSTRATION PROJECTS.**

7 (a) ADULT AND JUVENILE OFFENDER DEMONSTRA-
8 TION PROJECTS AUTHORIZED.—Section 2976 of the Om-
9 nibus Crime Control and Safe Streets Act of 1968 (42
10 U.S.C. 3797w) is amended in subsection (b) by striking
11 paragraphs (1) through (4) and inserting the following
12 new paragraphs:

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

15 “(A) the correctional agency of the State
16 or local government develops and carries out
17 plans to facilitate the re-entry into the commu-
18 nity of each offender in State or local custody;

19 “(B) the supervision and services provided
20 to offenders in State or local custody are co-
21 ordinated with the supervision and services pro-
22 vided to offenders after re-entry into the com-
23 munity;

24 “(C) the efforts of various public and pri-
25 vate entities to provide supervision and services

1 to offenders after re-entry into the community,
2 and to family members of such offenders, are
3 coordinated; and

4 “(D) offenders awaiting re-entry into the
5 community are provided with documents (such
6 as identification papers, referrals to services,
7 medical prescriptions, job training certificates,
8 apprenticeship papers, and information on ob-
9 taining public assistance) useful in achieving a
10 successful transition from prison;

11 “(2) carrying out programs and initiatives by
12 units of local government to strengthen re-entry
13 services for individuals released from local jails;

14 “(3) enabling prison mentors of offenders to re-
15 main in contact with those offenders, including
16 through the use of such technology as
17 videoconferencing, during incarceration and after re-
18 entry into the community and encouraging the in-
19 volvement of prison mentors in the re-entry process;

20 “(4) providing structured post-release housing
21 and transitional housing, including group homes for
22 recovering substance abusers, through which offend-
23 ers are provided supervision and services imme-
24 diately following re-entry into the community;

1 “(5) assisting offenders in securing permanent
2 housing upon release or following a stay in transi-
3 tional housing;

4 “(6) providing continuity of health services (in-
5 cluding mental health services, substance abuse
6 treatment and aftercare, and treatment for con-
7 tagious diseases) to offenders in custody and after
8 re-entry into the community;

9 “(7) providing offenders with education, job
10 training, English as a second language programs,
11 work experience programs, self-respect and life skills
12 training, and other skills useful in achieving a suc-
13 cessful transition from prison;

14 “(8) facilitating collaboration among corrections
15 and community corrections, technical schools, com-
16 munity colleges, and the workforce development and
17 employment service sectors to—

18 “(A) promote, where appropriate, the em-
19 ployment of people released from prison and
20 jail, through efforts such as educating employ-
21 ers about existing financial incentives and facili-
22 tate the creation of job opportunities, including
23 transitional jobs, for this population that will
24 benefit communities;

1 “(B) connect inmates to employment, in-
2 cluding supportive employment and employment
3 services, before their release to the community;
4 and

5 “(C) addressing barriers to employment;

6 “(9) assessing the literacy and educational
7 needs of offenders in custody and identifying and
8 providing services appropriate to meet those needs,
9 including follow-up assessments and long-term serv-
10 ices;

11 “(10) systems under which family members of
12 offenders are involved in facilitating the successful
13 re-entry of those offenders into the community, in-
14 cluding removing obstacles to the maintenance of
15 family relationships while the offender is in custody,
16 strengthening the family’s capacity as a stable living
17 situation during re-entry where appropriate, and in-
18 volving family members in the planning and imple-
19 mentation of the re-entry process;

20 “(11) programs under which victims are in-
21 cluded, on a voluntary basis, in the re-entry process;

22 “(12) programs that facilitate visitation and
23 maintenance of family relationships with respect to
24 offenders in custody by addressing obstacles such as

1 travel, telephone costs, mail restrictions, and restric-
2 tive visitation policies;

3 “(13) identifying and addressing barriers to col-
4 laborating with child welfare agencies in the provi-
5 sion of services jointly to offenders in custody and
6 to the children of such offenders;

7 “(14) implementing programs in correctional
8 agencies to include the collection of information re-
9 garding any dependent children of an incarcerated
10 person as part of intake procedures, including the
11 number of children, age, and location or jurisdiction,
12 and connect identified children with appropriate
13 services;

14 “(15) addressing barriers to the visitation of
15 children with an incarcerated parent, and mainte-
16 nance of the parent-child relationship, such as the
17 location of facilities in remote areas, telephone costs,
18 mail restrictions, and visitation policies;

19 “(16) creating, developing, or enhancing pris-
20 oner and family assessments curricula, policies, pro-
21 cedures, or programs (including mentoring pro-
22 grams) to help prisoners with a history or identified
23 risk of domestic violence, dating violence, sexual as-
24 sault, or stalking reconnect with their families and
25 communities as appropriate (or when it is safe to do

1 so) and become mutually respectful, nonabusive par-
2 ents or partners, under which particular attention is
3 paid to the safety of children affected and the con-
4 fidentiality concerns of victims, and efforts are co-
5 ordinated with existing victim service providers;

6 “(17) developing programs and activities that
7 support parent-child relationships, such as—

8 “(A) using telephone conferencing to per-
9 mit incarcerated parents to participate in par-
10 ent-teacher conferences;

11 “(B) using videoconferencing to allow vir-
12 tual visitation when incarcerated persons are
13 more than 100 miles from their families;

14 “(C) the development of books on tape
15 programs, through which incarcerated parents
16 read a book into a tape to be sent to their chil-
17 dren;

18 “(D) the establishment of family days,
19 which provide for longer visitation hours or
20 family activities; or

21 “(E) the creation of children’s areas in vis-
22 itation rooms with parent-child activities;

23 “(18) expanding family-based treatment centers
24 that offer family-based comprehensive treatment

1 services for parents and their children as a complete
2 family unit;

3 “(19) conducting studies to determine who is
4 returning to prison or jail and which of those return-
5 ing prisoners represent the greatest risk to commu-
6 nity safety;

7 “(20) developing or adopting procedures to en-
8 sure that dangerous felons are not released from
9 prison prematurely;

10 “(21) developing and implementing procedures
11 to assist relevant authorities in determining when re-
12 lease is appropriate and in the use of data to inform
13 the release decision;

14 “(22) developing and implementing procedures
15 to identify efficiently and effectively those violators
16 of probation or parole who should be returned to
17 prison;

18 “(23) utilizing established assessment tools to
19 assess the risk factors of returning inmates and
20 prioritizing services based on risk;

21 “(24) conducting studies to determine who is
22 returning to prison or jail and which of those return-
23 ing prisoners represent the greatest risk to commu-
24 nity safety;

1 “(25) facilitating and encouraging timely and
2 complete payment of restitution and fines by ex-of-
3 fenders to victims and the community;

4 “(26) developing or adopting procedures to en-
5 sure that dangerous felons are not released from
6 prison prematurely;

7 “(27) establishing or expanding the use of re-
8 entry courts to—

9 “(A) monitor offenders returning to the
10 community;

11 “(B) provide returning offenders with—

12 “(i) drug and alcohol testing and
13 treatment; and

14 “(ii) mental and medical health as-
15 sessment and services;

16 “(C) facilitate restorative justice practices
17 and convene family or community impact pan-
18 els, family impact educational classes, victim
19 impact panels, or victim impact educational
20 classes;

21 “(D) provide and coordinate the delivery of
22 other community services to offenders, includ-
23 ing—

24 “(i) housing assistance;

25 “(ii) education;

1 “(iii) employment training;
 2 “(iv) children and family support;
 3 “(v) conflict resolution skills training;
 4 “(vi) family violence intervention pro-
 5 grams; and
 6 “(vii) other appropriate social serv-
 7 ices; and
 8 “(E) establish and implement graduated
 9 sanctions and incentives; and
 10 “(28) providing technology to advance post re-
 11 lease supervision.”.

12 (b) JUVENILE OFFENDER DEMONSTRATION
 13 PROJECTS REAUTHORIZED.—Such section is further
 14 amended in subsection (c) by striking “may be expended
 15 for” and all that follows through the period at the end
 16 and inserting “may be expended for any activity referred
 17 to in subsection (b).”.

18 (c) APPLICATIONS; PRIORITIES; PERFORMANCE
 19 MEASUREMENTS.—Such section is further amended—

20 (1) by redesignating subsection (h) as sub-
 21 section (o); and

22 (2) by striking subsections (d) through (g) and
 23 inserting the following new subsections:

24 “(d) APPLICATIONS.—A State, unit of local govern-
 25 ment, territory, or Indian tribe desiring a grant under this

1 section shall submit an application to the Attorney Gen-
2 eral that—

3 “(1) contains a re-entry strategic plan, which
4 describes the long-term strategy, and a detailed im-
5 plementation schedule, including the jurisdiction’s
6 plans to pay for the program after the Federal fund-
7 ing is discontinued;

8 “(2) identifies the governmental agencies and
9 community and faith-based organizations that will
10 be coordinated by, and collaborate on, the appli-
11 cant’s prisoner re-entry strategy and certifies their
12 involvement; and

13 “(3) describes the methodology and outcome
14 measures that will be used in evaluating the pro-
15 gram.

16 “(e) PRIORITY CONSIDERATION.—The Attorney Gen-
17 eral shall give priority to grant applications that best—

18 “(1) focus initiative on geographic areas with a
19 substantiated high population of ex-offenders;

20 “(2) include partnerships with community-based
21 organizations, including faith-based organizations;

22 “(3) provide consultations with crime victims
23 and former incarcerated prisoners and their families;

24 “(4) review the process by which the State ad-
25 judicates violations of parole or supervised release

1 and consider reforms to maximize the use of grad-
2 uated, community-based sanctions for minor and
3 technical violations of parole or supervised release;

4 “(5) establish pre-release planning procedures
5 for prisoners to ensure that a prisoner’s eligibility
6 for Federal or State benefits (including Medicaid,
7 Medicare, Social Security, and Veterans benefits)
8 upon release is established prior to release, subject
9 to any limitations in law, and to ensure that pris-
10 oners are provided with referrals to appropriate so-
11 cial and health services or are linked to appropriate
12 community-based organizations; and

13 “(6) target high-risk offenders for re-entry pro-
14 grams through validated assessment tools.

15 “(f) CONDITION OF FUNDING.—As a condition of re-
16 ceiving a grant under this section, a State must agree to—

17 “(1) establish a process to identify and review
18 existing State laws, regulations, and rules that im-
19 pose restrictions or occupational disqualifications on
20 people with criminal convictions and to consider
21 modifications of such laws, regulations, and rules to
22 ensure that each such restriction or disqualification
23 bears a substantial relationship to the nature of the
24 conduct that resulted in the criminal conviction;

1 “(2) afford members of the public an oppor-
2 tunity to participate in the process described in the
3 preceding paragraph;

4 “(3) establish a meaningful and accessible proc-
5 ess to enable people with criminal convictions to re-
6 gain their civil rights and privileges if they have led
7 a law-abiding life following release from prison;

8 “(4) review the process by which the State ad-
9 judicates violations of parole or supervised release
10 and consider reforms to maximize the use of grad-
11 uated, community-based sanctions for minor and
12 technical violations of parole or supervised release;

13 “(5) review the State’s correctional policies and
14 expenditures to maximize the use of community-
15 based corrections for non-violent offenders;

16 “(6) establish pre-release planning procedures
17 for State prisoners to ensure that a prisoner’s eligi-
18 bility for Federal or State benefits (including Med-
19 icaid, Medicare, Social Security, and Veterans bene-
20 fits) upon release is established prior to release, sub-
21 ject to any limitations in law; and

22 “(7) maintain existing State funding for pris-
23 oner re-entry activities.

24 “(g) USES OF GRANT FUNDS.—

1 “(1) FEDERAL SHARE.—The Federal share of a
2 grant received under this section may not exceed 75
3 percent of the project funded under the grant, unless
4 the Attorney General—

5 “(A) waives, in whole or in part, the re-
6 quirement of this paragraph; and

7 “(B) publicly delineates the rationale for
8 the waiver.

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

14 “(h) REENTRY STRATEGIC PLAN.—

15 “(1) As a condition of receiving financial assist-
16 ance under this section, each applicant shall develop
17 a comprehensive strategic re-entry plan that con-
18 tains measurable annual and 5- to 10-year perform-
19 ance outcomes. The plan shall have as a goal to re-
20 duce significantly the rate of recidivism of formerly
21 incarcerated persons within the State over a period
22 of 5 years.

23 “(2) In developing re-entry plans under this
24 subsection, applicants shall coordinate with commu-
25 nities and stakeholders, including experts in the

1 fields of public safety, corrections, housing, health,
2 education, employment, and members of community
3 and faith-based organizations that provide re-entry
4 services.

5 “(3) Each re-entry plan developed under this
6 subsection shall measure the applicant’s progress to-
7 ward increasing public safety by reducing rates of
8 recidivism and enabling released offenders to transi-
9 tion successfully back into their communities.

10 “(i) REENTRY TASK FORCE.—As a condition of re-
11 ceiving financial assistance under this section, each State
12 or local government receiving a grant shall establish a Re-
13 entry Task Force or other relevant convening authority
14 to examine ways to pool existing resources and funding
15 streams to promote lower recidivism rates for returning
16 prisoners and to minimize the harmful effects of incarcer-
17 ation on families and communities by collecting data and
18 best practices in offender re-entry from demonstration
19 grantees and other agencies and organizations. The task
20 force or other authority shall be comprised of relevant
21 State or local leaders, agencies, service providers, commu-
22 nity-based organizations, or stakeholders.

23 “(j) STRATEGIC PERFORMANCE OUTCOMES.—

1 “(1) Each applicant shall identify specific per-
2 formance outcomes related to the long-term goals of
3 increasing public safety and reducing recidivism.

4 “(2) The performance outcomes identified
5 under paragraph (1) shall include, with respect to
6 offenders released back into the community—

7 “(A) recommitment rates;

8 “(B) reduction in crime;

9 “(C) employment and education;

10 “(D) violations of conditions of supervised
11 release;

12 “(E) child support;

13 “(F) housing;

14 “(G) drug and alcohol abuse; and

15 “(H) participation in mental health serv-
16 ices.

17 “(3) States may also report on other activities
18 that increase the success rates of offenders who
19 transition from prison, such as programs that foster
20 effective risk management and treatment program-
21 ming, offender accountability, and community and
22 victim participation.

23 “(4) Applicants should coordinate with commu-
24 nities and stakeholders about the selection of per-
25 formance outcomes identified by the applicants and

1 with the Department of Justice for assistance with
2 data collection and measurement activities.

3 “(5) Each grantee shall submit an annual re-
4 port to the Department of Justice that—

5 “(A) identifies the grantee’s progress to-
6 ward achieving its strategic performance out-
7 comes; and

8 “(B) describes other activities conducted
9 by the grantee to increase the success rates of
10 the re-entry population.

11 “(k) PERFORMANCE MEASUREMENT.—

12 “(1) The Department of Justice shall, in con-
13 sultation with the States—

14 “(A) identify primary and secondary
15 sources of information to support the measure-
16 ment of the performance indicators identified
17 under this section;

18 “(B) identify sources and methods of data
19 collection in support of performance measure-
20 ment required under this section;

21 “(C) provide to all grantees technical as-
22 sistance and training on performance measures
23 and data collection for purposes of this section;
24 and

1 “(D) coordinate with the Substance Abuse
2 and Mental Health Services Administration on
3 strategic performance outcome measures and
4 data collection for purposes of this section relat-
5 ing to substance abuse and mental health.

6 “(2) The Department of Justice shall coordi-
7 nate with other Federal agencies to identify national
8 sources of information to support State performance
9 measurement.

10 “(1) FUTURE ELIGIBILITY.—To be eligible to receive
11 a grant under this section for fiscal years after the first
12 receipt of such a grant, a State shall submit to the Attor-
13 ney General such information as is necessary to dem-
14 onstrate that, with respect to the comprehensive strategic
15 re-entry plan developed by the State pursuant to sub-
16 section (h)—

17 “(1) the public has been afforded an oppor-
18 tunity to provide input in the development of the
19 plan;

20 “(2) the plan includes performance measures to
21 assess the State’s progress toward increasing public
22 safety by reducing rates of recidivism and enabling
23 released offenders to transition successfully into
24 their communities; and

1 “(3) the State will coordinate with communities
2 and stakeholders about the selection and implemen-
3 tation of performance outcome measures and with
4 the Department of Justice for assistance with data
5 collection and measurement activities.

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

8 “(1) The Attorney General may, using amounts
9 made available to carry out this subsection, make a
10 grant to an eligible organization to provide for the
11 establishment of a National Adult and Juvenile Of-
12 fender Reentry Resource Center.

13 “(2) An organization eligible for the grant
14 under paragraph (1) is any national nonprofit orga-
15 nization approved by the Federal task force estab-
16 lished under the Second Chance Act of 2004 that
17 represents, provides technical assistance and train-
18 ing to, and has special expertise and broad, national-
19 level experience in offender re-entry programs, train-
20 ing, and research.

21 “(3) The organization receiving the grant shall
22 establish a National Adult and Juvenile Offender
23 Reentry Resource Center to—

24 “(A) provide education, training, and tech-
25 nical assistance for States, local governments,

1 service providers, faith based organizations, and
2 corrections institutions;

3 “(B) collect data and best practices in of-
4 fender re-entry from demonstration grantees
5 and others agencies and organizations;

6 “(C) develop and disseminate evaluation
7 tools, mechanisms, and measures to better as-
8 sess and document coalition performance meas-
9 ures and outcomes;

10 “(D) disseminate knowledge to States and
11 other relevant entities about best practices, pol-
12 icy standards, and research findings;

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

17 “(F) develop and implement procedures to
18 identify efficiently and effectively those violators
19 of probation or parole who should be returned
20 to prison and those who should receive other
21 penalties based on defined, graduated sanctions;

22 “(G) collaborate with the Federal task
23 force established under the Second Chance Act
24 of 2004 and the Federal Resource Center for
25 Children of Prisoners;

1 “(H) develop a national research agenda;
2 and

3 “(I) bridge the gap between research and
4 practice by translating knowledge from research
5 into practical information.

6 “(4) Of amounts made available to carry out
7 this section, not more than 4 percent shall be avail-
8 able to carry out this subsection.

9 “(n) ADMINISTRATION.—Of amounts made available
10 to carry out this section, not more than 2 percent shall
11 be available for administrative expenses in carrying out
12 this section.”.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—Such
14 section is further amended in paragraph (1) of subsection
15 (o) (as redesignated by subsection (c)) by striking “and
16 \$16,000,000 for fiscal year 2005” and inserting “and
17 \$75,000,000 for each of fiscal years 2005 through 2008”.

18 **SEC. 102. IMPROVED RE-ENTRY PROCEDURES FOR FED-**
19 **ERAL PRISONERS.**

20 (a) GENERAL RE-ENTRY PROCEDURES.—The Attor-
21 ney General shall take such steps as are necessary to mod-
22 ify existing procedures and policies to enhance case plan-
23 ning and to improve the transition of persons from the
24 custody of the Bureau of Prisons to the community, in-

1 cluding placement of such individuals in community cor-
2 rections facilities.

3 (b) PROCEDURES REGARDING BENEFITS.—The Di-
4 rector of the Bureau of Prisons shall establish pre-release
5 planning procedures for Federal prisoners to ensure that
6 a prisoner’s eligibility for Federal or State benefits (in-
7 cluding Medicaid, Medicare, Social Security, and Veterans
8 benefits) upon release is established prior to release, sub-
9 ject to any limitations in law.

10 (c) PROCEDURES REGARDING CHILDREN OF INCAR-
11 CERATED PARENTS.—The Director of the Bureau of Pris-
12 oners shall—

13 (1) collect information regarding the dependent
14 children of an incarcerated person as part of stand-
15 ard intake procedures, including the number, age,
16 and residence of such children;

17 (2) review all policies, practices, and facilities to
18 ensure that they support the relationship between
19 parent and child; and

20 (3) identify the training needs of staff with re-
21 spect to the effect of incarceration on children, fami-
22 lies, and communities, age-appropriate interactions,
23 and community resources for the families of incar-
24 cerated persons.

1 **SEC. 103. TASK FORCE ON FEDERAL PROGRAMS AND AC-**
2 **TIVITIES RELATING TO REENTRY OF OF-**
3 **FENDERS.**

4 (a) **TASK FORCE ESTABLISHED.**—There is estab-
5 lished in the executive branch an interagency task force
6 on Federal programs and activities related to the re-entry
7 of former prisoners into the community. The Attorney
8 General shall chair the task force, whose members shall
9 consist of the Secretary of Labor, the Secretary of Health
10 and Human Services, the Secretary of Housing and Urban
11 Development, and the heads of such other government de-
12 partments or agencies as the Attorney General deems ap-
13 propriate.

14 (b) **DUTIES.**—The task force required by subsection
15 (a) shall—

16 (1) identify such programs and activities that
17 may be resulting in overlapping or duplication of
18 services, the scope of such overlapping or duplica-
19 tion, and the relationship of such overlapping and
20 duplication to public safety, public health, and effec-
21 tiveness and efficiency;

22 (2) identify methods to improve collaboration
23 and coordination of such programs and activities;

24 (3) identify areas of responsibility in which im-
25 proved collaboration and coordination of such pro-

1 grams and activities would result in increased effec-
2 tiveness or efficiency;

3 (4) develop innovative interagency or intergov-
4 ernmental programs, activities, or procedures that
5 would improve outcomes of reentering offenders and
6 children of offenders;

7 (5) develop methods for increasing regular com-
8 munication that would increase interagency program
9 effectiveness;

10 (6) identify areas of research that can be co-
11 ordinated across agencies with an emphasis on ap-
12 plying science-based practices to support, treatment,
13 and intervention programs for reentering offenders;

14 (7) identify funding areas that should be co-
15 ordinated across agencies and any gaps in funding;
16 and

17 (8) identify successful programs currently oper-
18 ating and collect best practices in offender re-entry
19 from demonstration grantees and other agencies and
20 organizations, determine the extent to which such
21 programs and practices can be replicated, and make
22 information on such programs and practices avail-
23 able to States, localities, community-based organiza-
24 tions, and others.

1 (c) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the task force established
3 by subsection (a) shall submit to Congress a report on
4 legal barriers to successful prisoner re-entry. The task
5 force shall provide for public input in preparing the report.
6 The report shall identify all such barriers in Federal law
7 and those that are common features of State law, analyze
8 the effect of such barriers on prisoners and their families,
9 and propose modifications to Federal law to ensure that
10 such barriers are narrowly tailored and do not unneces-
11 sarily hinder successful prisoner re-entry. Among the
12 issues the report shall address are the following:

13 (1) Policies related to the admission and evic-
14 tion of former prisoners and their families in public
15 housing programs.

16 (2) Eligibility criteria for Federal benefit pro-
17 grams (including Medicaid, Medicare, Social Secu-
18 rity, and Veterans benefits) that limit the ability of
19 former prisoners to obtain eligibility immediately
20 upon release from prison.

21 (3) Eligibility for welfare benefits.

22 (4) The consideration of parental incarceration
23 in terminating parental rights under the Adoption
24 and Safe Families Act of 1997.

1 (5) The ineligibility of prisoners for education
2 loans.

3 (6) Felon disenfranchisement laws.

4 (7) Federal statutory protections against em-
5 ployment discrimination based on criminal record.

6 (d) ANNUAL REPORTS.—On an annual basis, the
7 task force required by subsection (a) shall submit to Con-
8 gress a report on the activities of the task force, including
9 specific recommendations of the task force on matters re-
10 ferred to in subsection (b).

11 **SEC. 104. OFFENDER RE-ENTRY RESEARCH.**

12 (a) NATIONAL INSTITUTE OF JUSTICE.—From
13 amounts made available to carry out this Act, the National
14 Institute of Justice shall conduct research on offender re-
15 entry, including—

16 (1) a study identifying the number and charac-
17 teristics of children who have had a parent incarcer-
18 ated and the likelihood of these minors becoming in-
19 volved in the criminal justice system some time in
20 their lifetime;

21 (2) a study identifying a mechanism to compare
22 rates of recidivism (including re-arrest, violations of
23 parole and probation, and re-incarceration) among
24 States; and

1 (3) a study on the population of individuals re-
2 leased from custody who do not engage in recidivism
3 and the characteristics (housing, employment, treat-
4 ment, family connection) of that population.

5 (b) BUREAU OF JUSTICE STATISTICS.—From
6 amounts made available to carry out this Act, the Bureau
7 of Justice Statistics may conduct research on offender re-
8 entry, including—

9 (1) an analysis of special populations, including
10 prisoners with mental illness or substance abuse dis-
11 orders, female offenders, juvenile offenders, and the
12 elderly, that present unique re-entry challenges;

13 (2) studies to determine who is returning to
14 prison or jail and which of those returning prisoners
15 represent the greatest risk to community safety;

16 (3) annual reports on the profile of the popu-
17 lation coming out of prisons, jails, and juvenile jus-
18 tice facilities;

19 (4) a national recidivism study every three
20 years; and

21 (5) a study of parole violations and revocations.

1 **SEC. 105. USE OF VIOLENT OFFENDER TRUTH-IN-SEN-**
2 **TENCING GRANT FUNDING FOR DEMONSTRA-**
3 **TION PROJECT ACTIVITIES.**

4 Section 20102(a) of the Violent Crime Control and
5 Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is
6 amended—

7 (1) in paragraph (2) by striking “and” at the
8 end;

9 (2) in paragraph (3) by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(4) to carry out any activity referred to in sec-
14 tion 2976(b) of the Omnibus Crime Control and
15 Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).”.

16 **SEC. 106. STATE AND LOCAL REENTRY COURTS.**

17 (a) IN GENERAL.—Part FF of title I of the Omnibus
18 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
19 3797w et seq.) is amended by inserting at the end the
20 following:

21 **“SEC. 2979. STATE AND LOCAL REENTRY COURTS.**

22 “(a) GRANTS AUTHORIZED.—The Attorney General
23 shall award grants of not more than \$500,000 to—

24 “(1) State and local courts; or

25 “(2) State agencies, municipalities, public agen-
26 cies, nonprofit organizations, and tribes that have

1 agreements with courts to take the lead in estab-
2 lishing a re-entry court.

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

7 “(1) monitor offenders returning to the commu-
8 nity;

9 “(2) provide returning offenders with—

10 “(A) drug and alcohol testing and treat-
11 ment; and

12 “(B) mental and medical health assess-
13 ment and services;

14 “(3) convene community impact panels, victim
15 impact panels, or victim impact educational classes;

16 “(4) provide and coordinate the delivery of
17 other community services to offenders, including—

18 “(A) housing assistance;

19 “(B) education;

20 “(C) employment training;

21 “(D) conflict resolution skills training;

22 “(E) batterer intervention programs; and

23 “(F) other appropriate social services; and

24 “(5) establish and implement graduated sanc-
25 tions and incentives.

1 “(c) APPLICATION.—Each eligible entity desiring a
2 grant under this section shall, in addition to any other
3 requirements required by the Attorney General, submit an
4 application to the Attorney General that—

5 “(1) describes a long-term strategy and detailed
6 implementation plan, including how the entity plans
7 to pay for the program after the Federal funding
8 ends;

9 “(2) identifies the governmental and community
10 agencies that will be coordinated by this project;

11 “(3) certifies that—

12 “(A) there has been appropriate consulta-
13 tion with all affected agencies, including exist-
14 ing community corrections and parole entities;
15 and

16 “(B) there will be appropriate coordination
17 with all affected agencies in the implementation
18 of the program; and

19 “(4) describes the methodology and outcome
20 measures that will be used in evaluation of the pro-
21 gram.

22 “(d) MATCHING REQUIREMENT.—The Federal share
23 of a grant received under this section may not exceed 75
24 percent of the costs of the project funded under this sec-
25 tion unless the Attorney General—

1 “(1) waives, wholly or in part, this matching re-
2 quirement; and

3 “(2) publicly delineates the rationale for the
4 waiver.

5 “(e) ANNUAL REPORT.—Each grantee under this
6 section shall submit to the Attorney General, for each fis-
7 cal year in which funds from a grant received under this
8 part is expended, a report, at such time and in such man-
9 ner as the Attorney General may reasonably require, that
10 contains—

11 “(1) a summary of the activities carried out
12 under the grant;

13 “(2) an assessment of whether the activities
14 summarized under paragraph (1) are meeting the
15 needs identified in the application submitted under
16 subsection (c); and

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

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—

20 “(1) IN GENERAL.—There are authorized to be
21 appropriated \$10,000,000 for each of the fiscal
22 years 2005 through 2008 to carry out this section.

23 “(2) LIMITATIONS.—Of the amount made avail-
24 able to carry out this section in any fiscal year—

1 “(A) not more than 2 percent may be used
2 by the Attorney General for salaries and admin-
3 istrative expenses; and

4 “(B) not more than 5 percent nor less
5 than 2 percent may be used for technical assist-
6 ance and training.”.

7 **SEC. 107. FEDERAL ENHANCED IN-PRISON VOCATIONAL AS-**
8 **SESSMENT AND TRAINING DEMONSTRATION**
9 **PROJECT.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—The Attorney General shall
12 establish the Federal Enhanced In-Prison Vocational
13 Assessment and Training Demonstration Project in
14 selected institutions.

15 (2) OBJECTIVES.—The project established pur-
16 suant to paragraph (1) shall provide—

17 (A) in-prison assessments of the vocational
18 needs and aptitudes of prisoners;

19 (B) enhanced work skills development;

20 (C) enhanced release readiness program-
21 ming; and

22 (D) other components, as appropriate, to
23 prepare Federal prisoners for release and re-
24 entry into the community.

25 (b) PROJECT DURATION.—

1 (1) IN GENERAL.—The project under this sec-
2 tion shall begin not later than 6 months after funds
3 are made available to carry out this section, and
4 shall continue for 3 years.

5 (2) EXTENSION.—The Attorney General may
6 extend the project for a period of not more than 6
7 months to enable participating prisoners to complete
8 their involvement in the project.

9 (c) REPORTS.—

10 (1) PROGRESS REPORT.—Not later than 2
11 years after the date of enactment of this Act, the
12 Attorney General shall submit a report, which de-
13 scribes the progress of the demonstration project es-
14 tablished pursuant to subsection (a), to the Com-
15 mittee on the Judiciary of the Senate and the Com-
16 mittee on the Judiciary of the House of Representa-
17 tives.

18 (2) FINAL REPORT.—Not later than 1 year
19 after the end of the demonstration project estab-
20 lished pursuant to subsection (a), the Director of the
21 Federal Bureau of Prisons shall submit a report,
22 which describes the effectiveness of such project on
23 post-release outcomes, including employment rates
24 and re-arrest rates, for participants for a period of
25 3 years following release from custody, to the Com-

1 mittee on the Judiciary of the Senate and the Com-
2 mittee on the Judiciary of the House of Representa-
3 tives.

4 **TITLE II—REMOVING BARRIERS**
5 **TO RE-ENTRY**

6 **SEC. 201. RIGHT TO VOTE IN FEDERAL ELECTIONS FOR**
7 **NONINCARCERATED EX-OFFENDERS.**

8 (a) RIGHT TO VOTE.—The right of an individual who
9 is a citizen of the United States to vote in any election
10 for Federal office shall not be denied or abridged because
11 that individual has been convicted of a criminal offense
12 unless such individual is serving a felony sentence in a
13 correctional institution or facility at the time of the elec-
14 tion.

15 (b) ENFORCEMENT.—

16 (1) ATTORNEY GENERAL.—The Attorney Gen-
17 eral may, in a civil action, obtain such declaratory
18 or injunctive relief as is necessary to remedy a viola-
19 tion of this section.

20 (2) PRIVATE RIGHT OF ACTION.—

21 (A) A person who is aggrieved by a viola-
22 tion of this section may provide written notice
23 of the violation to the chief election official of
24 the State involved.

1 (B) Except as provided in subparagraph
2 (C), if the violation is not corrected within 90
3 days after receipt of a notice under subpara-
4 graph (A), or within 20 days after receipt of
5 the notice if the violation occurred within 120
6 days before the date of an election for Federal
7 office, the aggrieved person may, in a civil ac-
8 tion obtain declaratory or injunctive relief with
9 respect to the violation.

10 (C) If the violation occurred within 30
11 days before the date of an election for Federal
12 office, the aggrieved person need not provide
13 notice to the chief election official of the State
14 under subparagraph (A) before bringing a civil
15 action to obtain declaratory or injunctive relief
16 with respect to the violation.

17 (c) DEFINITIONS.—For purposes of this section—

18 (1) the term “correctional institution or facil-
19 ity” means any prison, penitentiary, jail, or other in-
20 stitution or facility for the confinement of individ-
21 uals convicted of criminal offenses, whether publicly
22 or privately operated, except that such term does not
23 include any residential community treatment center
24 (or similar public or private facility); and

1 (2) the terms “election” and “Federal office”
 2 have the meaning given such terms in section 301
 3 of the Federal Election Campaign Act of 1971 (2
 4 U.S.C. 431).

5 (d) RELATION TO OTHER LAWS.—

6 (1) Nothing in this section shall be construed to
 7 prohibit the States from enacting any State law
 8 which affords the right to vote in any election for
 9 Federal office on terms less restrictive than those es-
 10 tablished by this section.

11 (2) The rights and remedies established by this
 12 section are in addition to all other rights and rem-
 13 edies provided by law, and neither rights and rem-
 14 edies established by this section shall supersede, re-
 15 strict, or limit the application of the Voting Rights
 16 Act of 1965 (42 U.S.C. 1973 et seq.) or the Na-
 17 tional Voter Registration Act (42 U.S.C. 1973–gg).

18 **SEC. 202. PROHIBITION ON UNWARRANTED EMPLOYMENT**
 19 **DISCRIMINATION.**

20 Section 703(k) of the Civil Rights Act of 1965 (42
 21 U.S.C. 2000e–2(k)) is amended—

22 (1) by redesignating paragraphs (2) and (3) as
 23 paragraphs (3) and (4); and

24 (2) by inserting after paragraph (1) the fol-
 25 lowing:

1 “(2)(A) Notwithstanding paragraph (1), an unlawful
2 employment practice based on disparate impact is estab-
3 lished under this title if—

4 “(i) a complaining party demonstrates that a
5 respondent uses a particular employment practice
6 that—

7 “(I) excludes individuals from employment
8 on the basis of their conviction records; and

9 “(II) causes a disparate impact on the
10 basis of race, color, religion, sex, or national or-
11 igin; and

12 “(ii) the respondent fails to demonstrate that
13 the challenged practice is consistent with business
14 necessity.

15 “(B) With respect to demonstrating that a challenged
16 practice is consistent with business necessity as described
17 in subparagraph (A)(ii), the respondent shall demonstrate
18 that the respondent considered—

19 “(i) the nature and gravity of the offense for
20 which the conviction occurred;

21 “(ii) the period of time that has elapsed since
22 the conviction or the completion of the sentence in-
23 volved; and

24 “(iii) the nature of the employment position
25 held or sought.”.

1 **SEC. 203. INCREASE IN FEDERAL WORK OPPORTUNITY TAX**
2 **CREDIT.**

3 Section 51(b)(3) of title 26, United States Code, is
4 amended in the heading and in the text by striking
5 “\$6,000” and inserting “\$20,000”.

6 **SEC. 204. REFORM OF STUDENT FINANCIAL ASSISTANCE.**

7 (a) **SUSPENSION OF STUDENT LOAN ELIGIBILITY**
8 **FOR DRUG-RELATED OFFENSE ONLY IF OFFENSE COM-**
9 **MITTED DURING PERIOD OF ENROLLMENT.**—Section
10 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C.
11 1091(r)(1)) is amended by striking “A student” and all
12 that follows through “table:” and inserting the following:
13 “A student who is convicted of any offense under any Fed-
14 eral or State law involving the possession or sale of a con-
15 trolled substance for conduct that occurred during a pe-
16 riod of enrollment for which the student was receiving any
17 grant, loan, or work assistance under this title shall not
18 be eligible to receive any grant, loan, or work assistance
19 under this title from the date of that conviction for the
20 period of time specified in the following table:”.

21 (b) **PELL GRANTS FOR INCARCERATED INDIVID-**
22 **UALS.**—Section 401(b)(8) of the Higher Education Act of
23 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as fol-
24 lows:

25 “(8) **INCARCERATED INDIVIDUALS.**—

1 “(A) IN GENERAL.—Except as provided in sub-
 2 paragraph (B), no Federal Pell Grant shall be
 3 awarded under this subpart to any individual who is
 4 incarcerated in any Federal or State penal institu-
 5 tion.

6 “(B) ELIGIBILITY FOR PELL GRANT.—

7 “(i) IN GENERAL.—Notwithstanding sub-
 8 paragraph (A), an individual who is incarcer-
 9 ated in a Federal or State penal institution
 10 shall be eligible to receive a Federal Pell Grant
 11 under this subpart if such individual—

12 “(I) is eligible to be considered for re-
 13 lease from the penal institution into the
 14 general community not later than 9 years
 15 after the date of application for such
 16 Grant; and

17 “(II) notwithstanding paragraph
 18 (2)(B), is enrolled on at least a half-time
 19 basis in a degree program.

20 “(ii) LIMITATIONS ON ELIGIBILITY.—No
 21 Federal Pell Grant shall be awarded to an in-
 22 carcerated individual pursuant to clause (i)—

23 “(I) that exceeds—

24 “(aa) the sum of the amount of
 25 tuition and fees normally assessed for

1 the course of study by the institution
2 of higher education offering classes to
3 the individual for the course of study
4 such individual is pursuing, plus an
5 allowance for books associated with
6 such course of study; or

7 “(bb) the Federal Pell Grant
8 level specified in the relevant appro-
9 priations Act for this subpart in any
10 fiscal year;

11 “(II) who is incarcerated in a State
12 penal institution if the State in which such
13 penal institution is located reduces its level
14 of postsecondary assistance provided from
15 State sources to incarcerated individuals
16 after the date of enactment of the Offender
17 Reentry and Community Safety Act of
18 2004; and

19 “(III) for use at an institution of
20 higher education in which the percentage
21 of full-time equivalent students at such in-
22 stitution who are incarcerated exceeds 10
23 percent of such institution’s student body.

24 “(iii) SPECIAL RULE.—Funds transmitted
25 pursuant to this subparagraph shall be trans-

1 ferred directly to the institution of higher edu-
 2 cation in which the incarcerated individual is
 3 enrolled for payment of expenses provided
 4 under clause (ii)(I)(aa). Such institution shall
 5 not transmit such funds directly or indirectly to
 6 such individual.”.

7 **SEC. 205. REFORM OF “ONE STRIKE” MANDATORY EVIC-**
 8 **TION.**

9 (a) UNITED STATES HOUSING ACT OF 1937.—Sec-
 10 tion 6(k) of the United States Housing Act of 1937 (42
 11 U.S.C. 1437d(k)) is amended—

12 (1) by striking “(k) The Secretary shall” and
 13 inserting the following:

14 “(k) REVIEW OF EVICTION AND DENIALS OF TEN-
 15 ANCY.—

16 “(1) IN GENERAL.—Subject to paragraph (3),
 17 the Secretary shall”;

18 (2) by redesignating paragraphs (1) through
 19 (6) as subparagraphs (A) through (F) and indenting
 20 accordingly;

21 (3) by striking “For any grievance concerning”
 22 and inserting the following:

23 “(2) EXPEDITED PROCEDURES.—Subject to
 24 paragraph (3), any grievance concerning”; and

25 (4) by adding at the end the following:

1 “(3) MITIGATING CIRCUMSTANCES AND INNO-
2 CENT OWNER.—

3 “(A) MITIGATING CIRCUMSTANCES.—In
4 determining whether to evict a tenant, termi-
5 nate a tenancy, or deny an application for ten-
6 ancy due to a criminal conviction of the person
7 that is the subject of a grievance, and in any
8 judicial review of such determination, the public
9 housing agency or other reviewing body shall
10 consider all mitigating circumstances and the
11 impact of the eviction, termination, or denial
12 upon the family and dependents of that person.

13 “(B) INNOCENT TENANTS.—A tenant shall
14 not be subject to eviction, denied a tenancy, or
15 have a tenancy terminated based solely upon
16 the familial relationship of the tenant to a per-
17 son who has been convicted of a criminal of-
18 fense.”.

19 (b) QUALITY HOUSING AND WORK RESPONSIBILITY
20 ACT OF 1998.—

21 (1) INELIGIBILITY.—Section 576 of the Quality
22 Housing and Work Responsibility Act of 1998 (42
23 U.S.C. 13661) is amended—

24 (A) in subsection (b)—

1 (i) in paragraph (1), by striking “any
2 household with a member” and inserting
3 “any person”; and

4 (ii) in paragraph (2)—

5 (I) by striking “any household”
6 and inserting “any person”; and

7 (II) by striking “household mem-
8 ber” each place that term appears and
9 inserting “person”;

10 (B) in subsection (c)—

11 (i) in the matter preceding paragraph
12 (1)—

13 (I) by striking “or any member
14 of the applicant’s household”; and

15 (II) by striking “applicant house-
16 hold” and inserting “applicant”; and

17 (ii) in paragraph (2)—

18 (I) by striking “or individual in
19 the applicant’s household”; and

20 (II) by striking “have not” and
21 inserting “has not”;

22 (C) by redesignating subsection (d) as sub-
23 section (e); and

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

25 “(d) REVIEW OF DENIAL OF APPLICATION.—

1 “(1) REVIEW OF DENIAL.—The denial of an ap-
 2 plication under this section shall be subject to review
 3 in accordance with the provisions of section 6(k) of
 4 the United States Housing Act of 1937 (42 U.S.C.
 5 1437d(k)).

6 “(2) INNOCENT APPLICANTS.—Nothing in this
 7 section shall allow for the denial of an application
 8 based solely on the familial relationship of an appli-
 9 cant to a person who has a criminal conviction or is
 10 otherwise in violation of this section.”.

11 (2) TERMINATION OF TENANCY AND ASSIST-
 12 ANCE FOR ILLEGAL DRUG USERS AND ALCOHOL
 13 ABUSERS IN FEDERALLY ASSISTED HOUSING.—Sec-
 14 tion 577 of the Quality Housing and Work Respon-
 15 sibility Act of 1998 (42 U.S.C. 13662) is amend-
 16 ed—

17 (A) in subsection (a), by striking “house-
 18 hold with a member” and inserting “person”;

19 (B) in subsection (b)—

20 (i) by striking “household based” and
 21 inserting “person based”;

22 (ii) by striking “by a household mem-
 23 ber” and inserting “by that person”; and

24 (iii) by striking “such household mem-
 25 ber” and inserting “such person”; and

1 (C) by adding at the end the following:

2 “(c) REVIEW OF TERMINATION OF TENANCY.—The
3 decision to terminate the tenancy or assistance of any per-
4 son shall be subject to review in accordance with the provi-
5 sions of section 6(k) of the United States Housing Act
6 of 1937 (42 U.S.C. 1437d(k)).

7 “(d) INNOCENT TENANTS.—Nothing in this section
8 shall allow for the termination of a tenancy or assistance
9 to any person based solely on the familial relationship of
10 the tenant to a person who is in violation of this section.”.

11 (c) REQUIREMENT OF INTENT OR KNOWLEDGE OF
12 CRIME BEFORE EVICTION FROM OR DENIAL OF PUBLIC
13 AND PUBLICLY ASSISTED HOUSING.—Sections 6(l)(6) (42
14 U.S.C. 1437d(l)(6)), 8(d)(1)(B)(iii) 42 U.S.C.
15 1437f(d)(1)(B)(iii)), and 8(o)(7)(D) (42 U.S.C.
16 1437f(o)(7)(D)) of the United States Housing Act of 1937
17 are each amended by inserting before the semicolon at the
18 end the following: “; except that such criminal or drug-
19 related activity, engaged in by a member of a tenant’s
20 household or any guest or other person under the tenant’s
21 control, shall not be cause for termination of tenancy of
22 the tenant if the tenant did not know and should not have
23 known of the activity, or if the tenant, member of the ten-
24 ant’s household, or any guest or other person under the
25 tenant’s control was the victim of criminal activity”.

1 **SEC. 206. AMENDMENT TO THE ADULT EDUCATION AND**
2 **FAMILY LITERACY ACT TO REMOVE RESTRIC-**
3 **TION ON AMOUNT OF FUNDS AVAILABLE FOR**
4 **CORRECTIONS EDUCATION PROGRAMS.**

5 Section 222(a) of the Adult Education and Family
6 Literacy Act (20 U.S.C. 9222(a)(1)) is amended by strik-
7 ing “, of which not more than 10 percent” and inserting
8 “, of which not less than 10 percent”.

9 **SEC. 207. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**
10 **ONER IN COMMUNITY CORRECTIONS.**

11 (a) PLACE OF IMPRISONMENT.—Section 3621 of title
12 18, United States Code, is amended by inserting after “or
13 correctional facility” the following: “, including a commu-
14 nity corrections facility,”.

15 (b) PRE-RELEASE CUSTODY.—Section 3624(c) of
16 title 18, United States Code, is amended by striking all
17 after the subsection heading and inserting the following:
18 “The Bureau of Prisons shall, to the extent practicable,
19 ensure that a prisoner serving a term of imprisonment
20 spends a reasonable part of the final portion of that term
21 under conditions that will afford the prisoner a reasonable
22 opportunity to adjust to and prepare for the prisoner’s re-
23 entry into the community. In addition, this subsection au-
24 thorizes the Bureau of Prisons to place a prisoner in home
25 confinement during the last 10 percent of the term of im-
26 prisonment, not to exceed 6 months.”.

1 **SEC. 208. DENIAL OF TANF AND FOOD STAMPS FOR FELONY**
2 **CONVICTION FOR WELFARE FRAUD.**

3 (a) IN GENERAL.—Section 115(a) of the Personal
4 Responsibility and Work Opportunity Reconciliation Act
5 of 1996 (21 U.S.C. 862a(a)) is amended—

6 (1) by amending the header to read as follows:

7 “(a) DENIAL OF ASSISTANCE AND BENEFITS FOR
8 WELFARE FRAUD CONVICTIONS.—”; and

9 (2) in the matter preceding paragraph (1) by
10 striking “the possession, use, or distribution of a
11 controlled substance (as defined in section 102(6) of
12 the Controlled Substances Act (21 U.S.C. 802(6)))”
13 and inserting “fraud in connection with an applica-
14 tion for, or receipt of, welfare assistance or bene-
15 fits”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on December 31, 2004.

18 **SEC. 209. REFORM OF PROVISIONS THAT LIMIT FAMILY RE-**
19 **UNIFICATION AFTER PRISON.**

20 (a) CONSIDERATION OF PARENTAL INCARCER-
21 ATION.—

22 (1) IN GENERAL.—Section 475(5) of the Social
23 Security Act (42 U.S.C. 675(5)) is amended—

24 (A) in subparagraph (F), by striking
25 “and” at the end;

1 (B) in subparagraph (G), by striking the
2 period and inserting “; and”; and

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

4 “(H)(i) the State may extend the time lim-
5 its otherwise applicable under subparagraph
6 (E), with respect to filing or joining a petition
7 to terminate the parental rights of the parents
8 of a child who has been in foster care under the
9 responsibility of the State for 15 of the most re-
10 cent 22 months, if 1 of the parents is incarcer-
11 ated in a Federal, State, or local correctional
12 facility; and

13 “(ii) the incarceration of 1 of the child’s
14 parents in a Federal, State, or local correctional
15 facility is a factor, but not the sole basis, for
16 making a determination that it would be in the
17 best interests of the child to terminate parental
18 rights.”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by paragraph (1) shall take effect on December 31,
21 2004.

22 (b) REASONABLE EFFORT TO PRESERVE AND RE-
23 UNIFY FAMILIES.—

1 (1) IN GENERAL.—Section 471(a)(15) of title
2 IV of the Social Security Act (42 U.S.C. 671(a)(15))
3 is amended—

4 (A) in subparagraph (B), by striking “sub-
5 paragraph (D)” and inserting “subparagraph
6 (E)”;

7 (B) by redesignating subparagraphs (C)
8 through (F) as subparagraphs (D) through (G),
9 respectively;

10 (C) by inserting after subparagraph (B)
11 the following new subparagraph (C):

12 “(C) when applied to parents incarcerated
13 for crimes unrelated to the abuse of a child,
14 ‘reasonable efforts’ to preserve and unify fami-
15 lies includes—

16 “(i) coordinating visitation between
17 the child, unless such contact is found by
18 a court to be contrary to the child’s best
19 interest, including transporting the child to
20 visits where other means of transportation
21 are unavailable;

22 “(ii) giving preference to family mem-
23 bers when placing a child in foster care ab-
24 sent a finding of unfitness;

1 “(iii) coordinating the receipt of tran-
2 sitional services upon release from incar-
3 ceration when return of custody to the par-
4 ent will be impossible without such serv-
5 ices;

6 “(iv) providing the incarcerated par-
7 ent with the opportunity to participate in
8 planning meetings and hearings concerning
9 the child, unless prohibited by the institu-
10 tion in which the parent is incarcerated;
11 and

12 “(v) providing a means of communica-
13 tion, such as acceptance of collect tele-
14 phone calls, between the incarcerated par-
15 ent and the agency, and between the incar-
16 cerated parent and child unless such con-
17 tact is found by a court to be contrary to
18 the child’s best interest;”; and

19 (D) in subparagraph (F), as so redesign-
20 nated, by striking “subparagraph (D)” and in-
21 serting “subparagraph (E)”.

22 (2) CONFORMING AMENDMENT.—Section
23 475(5)(E)(iii) of title IV of the Social Security Act
24 (42 U.S.C. 675(5)(E)(iii)) is amended by striking

1 “section 471(a)(15)(B)(ii)” and inserting “subpara-
2 graphs (B)(ii) and (C) of section 471(a)(15)”.

3 (c) PROTECTING THE PARENTAL RIGHTS OF INCAR-
4 CERATED PARENTS.—Section 475(5)(E) of title IV of the
5 Social Security Act (42 U.S.C. 675(5)(E)) is amended—

6 (1) by striking “or” at the end of clause (ii);

7 (2) by inserting “or” at the end of clause (iii);

8 and

9 (3) by adding at the end the following new
10 clause:

11 “(iv) the parent has been unable to
12 retain custody of the child due to an incar-
13 ceration unrelated to the abuse of a child,
14 has not evinced an intent to abandon the
15 child prior to incarceration, and is sen-
16 tenced to, or will be eligible for parole in,
17 five years or less;”.

18 (d) ELIMINATION OF AGE REQUIREMENT FOR REL-
19 ATIVE CAREGIVER UNDER NATIONAL FAMILY CAREGIVER
20 SUPPORT PROGRAM.—Section 372 of the National Family
21 Caregiver Support Act (part E of title III of the Older
22 Americans Act of 1965; 42 U.S.C. 3030s) is amended in
23 paragraph (3) by striking “who is 60 years of age or older
24 and—” and inserting “who—”.

1 **SEC. 210. STATE MEDICAID PLAN REQUIREMENT TO EN-**
2 **SURE RESTORATION OF COVERAGE FOR ELI-**
3 **GIBLE INDIVIDUALS UPON RELEASE FROM**
4 **CONFINEMENT.**

5 (a) IN GENERAL.—Section 1902(a) of the Social Se-
6 curity Act (42 U.S.C. 1396a(a)), as amended by section
7 236(b) of the Medicare Prescription Drug, Improvement,
8 and Modernization Act of 2003 (Public Law 108–173),
9 is amended—

10 (1) by striking “and” at the end of paragraph
11 (66);

12 (2) by striking the period at the end of para-
13 graph (67) and inserting “; and”; and

14 (3) by inserting after paragraph (67) the fol-
15 lowing new paragraph:

16 “(68) provide for a process whereby an indi-
17 vidual confined to a jail, prison, penal institution, or
18 correctional facility, or to any other State or local
19 institution a purpose of which is to confine individ-
20 uals as described in section 202(x)(1)(A)(ii), may
21 obtain and submit an application for medical assist-
22 ance within such time prior to the termination of the
23 individual’s period of confinement as will allow, to
24 the maximum extent possible, for the eligibility of an
25 individual who would be determined to be eligible for

1 medical assistance to be effective upon the termi-
2 nation of such period of confinement.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall take effect on June 31, 2005.

5 **SEC. 211. REFORM OF SUPERVISED RELEASE.**

6 (a) NO MANDATORY REVOCATION FOR POSSESSION
7 OF CONTROLLED SUBSTANCE.—Subsection (g) of section
8 3583 of title 18, United States Code, is amended—

9 (1) in the subsection heading, by striking “Con-
10 trolled Substance or”;

11 (2) by striking paragraph (1); and

12 (3) by redesignating paragraphs (2) through
13 (4) as paragraphs (1) through (3), respectively.

14 (b) TECHNICAL VIOLATIONS.—Section 3583 of title
15 18, United States Code, is further amended by adding at
16 the end the following new subsection:

17 “(1) TECHNICAL VIOLATIONS OF SUPERVISED RE-
18 LEASE.—

19 “(1) IN GENERAL.—Following revocation of su-
20 pervised release for a technical violation, the court
21 shall impose a community-based sanction and shall
22 not impose a term of imprisonment unless it finds
23 that—

1 “(A) the defendant was previously subject
2 to more than one community-based sanction,
3 graduated in severity;

4 “(B) the defendant thereafter did not
5 abide by the terms of supervised release; and

6 “(C) no additional community-based sanc-
7 tion is likely to cause the defendant to abide by
8 the terms of supervised release.

9 “(2) INFORMAL PROCESS.—A defendant facing
10 revocation of supervised release for a technical viola-
11 tion may temporarily waive the right to formal adju-
12 dication of the violation and agree to participate in
13 an informal process under which a probation officer
14 may impose graduated community-based sanctions
15 for technical violations. If a defendant abides by the
16 terms of supervised release for a six-month period
17 following the commencement of such an informal
18 process, the petition for revocation of supervised re-
19 lease shall be dismissed.

20 “(3) DEFINITIONS.—In this subsection—

21 “(A) the term ‘technical violation’ means
22 conduct that does not constitute a new crime,
23 except that possession of a controlled substance
24 shall be treated as a technical violation; and

1 “(B) the term ‘community-based sanction’
2 means a sanction other than imprisonment that
3 permits the defendant to remain in the commu-
4 nity under continued supervised release, which
5 may include commitment to a community cor-
6 rection facility, a requirement that the defend-
7 ant obtain drug treatment or other social serv-
8 ice, electronic monitoring, or other form of in-
9 tensive supervision.

10 “(4) SENTENCING COMMISSION.—The United
11 States Sentencing Commission shall amend its exist-
12 ing policy statements regarding revocation of super-
13 vised release so as to be consistent with this sub-
14 section.

15 “(5) PROBATION SERVICE.—The Federal Pro-
16 bation Service shall publish annually an analysis of
17 cases involving the revocation of supervised release,
18 including the number of violations of supervised re-
19 lease that constitute technical violations, the number
20 of technical violations that involve possession of a
21 controlled substance, and the disposition of viola-
22 tions of supervised release by category.”.

1 **SEC. 212. GRANTS TO STUDY PAROLE VIOLATIONS AND**
2 **REVOCATIONS.**

3 (a) GRANTS AUTHORIZED.—From amounts made
4 available to carry out this section, the Attorney General
5 may award grants to States to study, and to improve the
6 collection of data with respect to, individuals whose parole
7 is revoked and which such individuals represent the great-
8 est risk to community safety.

9 (b) APPLICATION.—As a condition of receiving a
10 grant under this section, a State shall—

11 (1) certify that the State has, or intends to es-
12 tablish, a program that collects comprehensive and
13 reliable data with respect to individuals described in
14 subsection (a), including data on—

15 (A) the number and type of parole viola-
16 tions that occur within the State;

17 (B) the reasons for parole revocation;

18 (C) the underlying behavior that led to the
19 revocation; and

20 (D) the term of imprisonment or other
21 penalty that is imposed for the violation; and

22 (2) provide the data described in paragraph (1)
23 to the Bureau of Justice Statistics, in a form pre-
24 scribed by the Bureau.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$1,000,000 for each of fiscal years 2005 and 2006.

4 **SEC. 213. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
5 **PROGRAMS.**

6 (a) IMPROVEMENT OF THE RESIDENTIAL SUB-
7 STANCE ABUSE TREATMENT FOR STATE PRISONERS PRO-
8 GRAM.—

9 (1) DEFINITION.—Section 1902 of the Omni-
10 bus Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3796ff–1) is amended by redesignating sub-
12 sections (c) through (f) as subsections (d) through
13 (g), respectively, and by inserting after subsection
14 (b) the following new subsection:

15 “(c) RESIDENTIAL SUBSTANCE ABUSE TREAT-
16 MENT.—The term ‘residential substance abuse treatment’
17 means a course of individual and group activities and
18 treatment, lasting at least 6 months, in residential treat-
19 ment facilities set apart from the general prison popu-
20 lation. This can include the use of pharmacotherapies,
21 where appropriate, that may extend beyond the 6-month
22 period.”.

23 (2) REQUIREMENT FOR AFTER CARE COMPO-
24 NENT.—Section 1902 of such Act is further amend-

1 ed in subsection (d) (as redesignated by subsection
2 (a)) is amended—

3 (A) in the subsection heading, by striking
4 “Eligibility for Preference With After Care
5 Component” and inserting “Requirement for
6 After Care Component”;

7 (B) by amending paragraph (1) to read as
8 follows:

9 “(1) To be eligible for funding under this part,
10 a State must ensure that individuals who participate
11 in the substance abuse treatment program estab-
12 lished or implemented with assistance provided
13 under this part will be provided with aftercare serv-
14 ices.”; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(4) Aftercare services required by this sub-
18 section shall be funded by the funding provided in
19 this part.”.

20 (b) RESIDENTIAL DRUG ABUSE PROGRAM IN FED-
21 ERAL PRISONS.—Section 3621(e)(5)(A) of title 18, United
22 States Code, is amended by striking “means a course of”
23 and all that follows through the semicolon at the end and
24 inserting the following: “means a course of individual and
25 group activities and treatment, lasting at least 6 months,

1 in residential treatment facilities set apart from the gen-
2 eral prison population, which may include the use of
3 pharmacotherapies, where appropriate, that may extend
4 beyond the 6-month period;”.

○