

108TH CONGRESS  
2D SESSION

# S. 2414

To establish a commission to review Federal inmate work opportunities.

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IN THE SENATE OF THE UNITED STATES

MAY 12, 2004

Mr. GRAHAM of South Carolina (for himself and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish a commission to review Federal inmate work opportunities.

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 “Federal Inmate Work  
5 Opportunities Review Commission”.

6 **SEC. 2. CREATION OF A COMMISSION TO REVIEW FEDERAL**  
7 **INMATE WORK OPPORTUNITIES.**

8 (a) ESTABLISHMENT.—There is established a com-  
9 mission to be known as the Federal Inmate Work Oppor-

1 tunities Review Commission (in this Act referred to as the  
2 “Commission”).

3 (b) MEMBERS.—

4 (1) IN GENERAL.—The Commission shall be  
5 composed of 9 members, of whom—

6 (A) 3 shall be appointed by the President;

7 (B) 2 shall be appointed by the Speaker of  
8 the House of Representatives, unless the Speak-  
9 er is of the same party as the President, in  
10 which case 1 shall be appointed by the Speaker  
11 of the House of Representatives and 1 shall be  
12 appointed by the minority leader of the House  
13 of Representatives;

14 (C) 1 shall be appointed by the minority  
15 leader of the House of Representatives (in addi-  
16 tion to any appointment made under subpara-  
17 graph (B));

18 (D) 2 shall be appointed by the majority  
19 leader of the Senate, unless the majority leader  
20 is of the same party as the President, in which  
21 case 1 shall be appointed by the majority leader  
22 of the Senate and 1 shall be appointed by the  
23 minority leader of the Senate; and

1           (E) 1 shall be appointed by the minority  
2 leader of the Senate (in addition to any ap-  
3 pointment made under subparagraph (D)).

4           (2) PERSONS ELIGIBLE.—Each member of the  
5 Commission shall be an individual who has knowl-  
6 edge or expertise in matters to be studied by the  
7 Commission.

8           (3) TERM.—Each member shall be appointed  
9 for the life of the Commission.

10          (4) TIME FOR INITIAL APPOINTMENTS.—The  
11 appointment of the members shall be made not later  
12 than 60 days after the date of enactment of this  
13 Act.

14          (5) VACANCIES.—A vacancy in the Commission  
15 shall be filled in the manner in which the original  
16 appointment was made, and shall be made not later  
17 than 60 days after the date on which the vacancy  
18 occurred.

19          (c) OPERATION.—

20           (1) CHAIRPERSON.—Not later than 15 days  
21 after appointments of all the members are made, the  
22 President shall appoint a chairperson for the Com-  
23 mission from among its members.

24           (2) MEETINGS.—The Commission shall meet at  
25 the call of the chairperson. The initial meeting of the

1 Commission shall take place not later than 30 days  
2 after the initial appointment of the members is com-  
3 pleted.

4 (3) QUORUM.—A majority of the members of  
5 the Commission shall constitute a quorum to con-  
6 duct business, but the Commission may establish a  
7 lesser quorum for conducting hearings scheduled by  
8 the Commission.

9 (4) RULES.—The Commission may establish by  
10 majority vote any other rules for the conduct of  
11 Commission business, if such rules are not incon-  
12 sistent with this Act or other applicable law.

13 (d) DUTIES.—The Commission shall perform the fol-  
14 lowing duties:

15 (1) Examine the current state of Federal Pris-  
16 on Industries, including an examination of—

17 (A) its impact on the Federal Bureau of  
18 Prison’s correctional mission, including the re-  
19 duction of recidivism and safe prison manage-  
20 ment; and

21 (B) its impact on both the private sector  
22 and private labor markets.

23 (2) Examine the market viability and number  
24 of inmates employed by Federal Prison industries,  
25 including—

1 (A) in the fiscal year before enactment of  
2 section 637 of the 2004 Consolidated (Omni-  
3 bus) Appropriations bill;

4 (B) in the fiscal year subsequent to enact-  
5 ment of section 637 of the 2004 Consolidated  
6 (Omnibus) Appropriations bill; and

7 (C) the potential impact of other legislative  
8 proposals pending before Congress.

9 (3) Examine alternatives that can be employed  
10 by the Department of Justice to maximize inmate  
11 work opportunities while minimizing domestic pri-  
12 vate sector job displacement, including an examina-  
13 tion of State and foreign government inmate work  
14 programs.

15 (4) Study such other issues as the Commission  
16 may determine necessary to its mission.

17 (e) REPORT.—

18 (1) DISTRIBUTION.—Not later than 2 years  
19 after the date of the initial meeting of the Commis-  
20 sion, the Commission shall submit a report on the  
21 study carried out under this Act to—

22 (A) the President;

23 (B) Congress;

24 (C) the chairman and ranking member of  
25 the Senate Judiciary Committee;

1 (D) the chairman and ranking member of  
2 the House Judiciary Committee; and

3 (E) the Attorney General.

4 (2) CONTENTS.—The report under paragraph  
5 (1) shall include—

6 (A) the findings and conclusions of the  
7 Commission;

8 (B) recommended legislation, if any, to re-  
9 form Federal prison work programs; and

10 (C) a summary of the materials relied on  
11 by the Commission in the preparation of the re-  
12 port.

13 (f) HEARINGS AND SESSIONS.—

14 (1) IN GENERAL.—The Commission may, for  
15 the purpose of carrying out the provisions of this  
16 Act, hold such hearings and sit and act at such  
17 times and at such places in the United States, and  
18 request the attendance and testimony of such wit-  
19 nesses and the production of such books, records,  
20 correspondence, memoranda, papers, and documents,  
21 as the Commission considers appropriate.

22 (2) SUBPOENAS.—

23 (A) ISSUANCE.—The Commission may  
24 issue subpoenas for the attendance of witnesses  
25 and the production of written or other matter.

1           (B) ENFORCEMENT.—In the case of contu-  
2 macy or refusal to obey a subpoena, the Attor-  
3 ney General may in a Federal court of appro-  
4 priate jurisdiction obtain an appropriate order  
5 to enforce the subpoena.

6           (C) CONFIDENTIALITY OF DOCUMENTARY  
7 EVIDENCE.—Documents provided to the Com-  
8 mission pursuant to a subpoena issued under  
9 this subsection shall not be released publicly  
10 without the affirmative vote of  $\frac{2}{3}$  of the Com-  
11 mission.

12       (g) CONSULTATION REQUIRED.—The Commission  
13 shall consider the views of all relevant parties affected by  
14 the future of inmate work programs including—

15           (1) private sector businesses, both those that al-  
16 lege they are harmed by Federal Prison Industries  
17 and those who currently supply Federal Prison In-  
18 dustries;

19           (2) labor unions;

20           (3) corrections administrators; and

21           (4) other organizations and persons with an in-  
22 terest in corrections and the reentry of offenders  
23 back into the community.

24       (h) PERSONNEL MATTERS.—

1           (1) BASIC PAY.—Members of the Commission  
2 shall serve without pay.

3           (2) TRAVEL EXPENSES.—The members of the  
4 Commission shall be allowed travel expenses, includ-  
5 ing per diem in lieu of subsistence, at rates author-  
6 ized for employees of agencies under subchapter I of  
7 chapter 57 of title 5, United States Code, while  
8 away from their homes or regular places of business  
9 in the performance of service for the Commission.

10          (3) DETAIL OF FEDERAL EMPLOYEES.—With  
11 the affirmative vote of  $\frac{2}{3}$  of the Commission, any  
12 Federal Government employee, with the approval of  
13 the head of the appropriate Federal agency, may be  
14 detailed to the Commission without reimbursement,  
15 and such detail shall be without interruption or loss  
16 of civil service status, benefits, or privileges.

17          (4) ADMINISTRATIVE SUPPORT SERVICES.—  
18 Upon the request of the Commission, the Adminis-  
19 trator of General Services may provide to the Com-  
20 mission, on a nonreimbursable basis, the administra-  
21 tive support services necessary for the Commission  
22 to carry out its responsibilities under this Act.

1 **SEC. 3. TERMINATION.**

2       The Commission shall terminate on the date that is  
3 60 days after the date on which the Commission submits  
4 the reports required by this Act.

5 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

6       There are authorized to be appropriated such sums  
7 as may be necessary to carry out this Act.

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