

108TH CONGRESS  
2D SESSION

# S. 2789

To reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2004

Mr. BROWNBACK (for himself and Mr. SANTORUM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, 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 “Second Chance Act  
5 of 2004: Community Safety Through Recidivism Preven-  
6 tion” or the “Second Chance Act of 2004”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 2002, 2,000,000 people were incarcer-  
4 ated in Federal or State prisons or in local jails.  
5 Nearly 650,000 people are released from incarcer-  
6 ation to communities nationwide each year.

7 (2) There are over 3,200 jails throughout the  
8 United States, the vast majority of which are oper-  
9 ated by county governments. Each year, these jails  
10 will release in excess of 10,000,000 people back into  
11 the community.

12 (3) Nearly two-thirds of released State pris-  
13 oners are expected to be rearrested for a felony or  
14 serious misdemeanor within three years after re-  
15 lease.

16 (4) In recent years, a number of States and  
17 local governments have begun to establish improved  
18 systems for reintegrating former prisoners. Under  
19 such systems, corrections officials begin to plan for  
20 a prisoner's release while the prisoner is incarcerated  
21 and provide a transition to needed services in the  
22 community.

23 (5) Faith leaders and parishioners have a long  
24 history helping ex-offenders transform their lives.  
25 Through prison ministries and outreach in commu-  
26 nities, churches and faith-based organizations have

1       pioneered re-entry services to prisoners and their  
2       families.

3           (6) Successful reentry protects those who might  
4       otherwise be crime victims. It also improves the like-  
5       lihood that individuals released from prison or juve-  
6       nile detention facilities can pay fines, fees, restituti-  
7       tion, and family support.

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

14          (8) Increased recidivism results in profound col-  
15      lateral consequences, including public health risks,  
16      homelessness, unemployment, and disenfranchise-  
17      ment.

18          (9) The high prevalence of infectious disease,  
19      substance abuse, and mental health disorders that  
20      has been found in incarcerated populations demands  
21      that a recovery model of treatment should be used  
22      for handling the more than two-thirds of all offend-  
23      ers with such needs.

24          (10) One of the most significant costs of pris-  
25      oner reentry is the impact on children, the weakened

1 ties among family members, and destabilized com-  
2 munities. The long-term generational effects of a so-  
3 cial structure in which imprisonment is the norm  
4 and law-abiding role models are absent are difficult  
5 to measure but undoubtedly exist.

6 (11) According to the 2001 national data from  
7 the Bureau of Justice Statistics, 3,500,000 parents  
8 were supervised by the correctional system. Prior to  
9 incarceration, 64 percent of female prisoners and 44  
10 percent of male prisoners in State facilities lived  
11 with their children.

12 (12) Between 1991 and 1999, the number of  
13 children with a parent in a Federal or State correc-  
14 tional facility increased by more than 100 percent,  
15 from approximately 900,000 to approximately  
16 2,000,000. According to the Bureau of Prisons,  
17 there is evidence to suggest that inmates who are  
18 connected to their children and families are more  
19 likely to avoid negative incidents and have reduced  
20 sentences.

21 (13) Approximately 100,000 juveniles (ages 17  
22 and under) leave juvenile correctional facilities, State  
23 prison, or Federal prison each year. Juveniles re-  
24 leased from confinement still have their likely prime  
25 crime years ahead of them. Juveniles released from

1 secure confinement have a recidivism rate ranging  
2 from 55 to 75 percent. The chances that young peo-  
3 ple will successfully transition into society improve  
4 with effective reentry and aftercare programs.

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

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

11 (16) Fifty-seven percent of Federal and 70 per-  
12 cent of State inmates used drugs regularly before  
13 prison, with some estimates of involvement with  
14 drugs or alcohol around the time of the offense as  
15 high as 84 percent (BJS Trends in State Parole,  
16 1990–2000).

17 (17) According to the Bureau of Justice Statis-  
18 tics, 60 to 83 percent of the Nation's correctional  
19 population have used drugs at some point in their  
20 lives. This is twice the estimated drug use of the  
21 total United States population of 40 percent.

22 (18) Family-based treatment programs have  
23 proven results for serving the special population of  
24 female offenders and substance abusers with chil-  
25 dren. An evaluation by the Substance Abuse and

1       Mental Health Services Administration of family-  
2       based treatment for substance abusing mothers and  
3       children found that at six months post treatment, 60  
4       percent of the mothers remain alcohol and drug free,  
5       and drug related offenses declined from 28 to 7 per-  
6       cent. Additionally, a 2003 evaluation of residential  
7       family based treatment programs revealed that 60  
8       percent of mothers remained clean and sober six  
9       months after treatment, criminal arrests declined by  
10      43 percent, and 88 percent of the children treated  
11      in the program with their mothers remain stabilized.

12           (19) A Bureau of Justice Statistics analysis in-  
13      dicated that only 33 percent of Federal and 36 per-  
14      cent of State inmates had participated in residential  
15      inpatient treatment programs for alcohol and drug  
16      abuse 12 months before their release. Further, over  
17      one-third of all jail inmates have some physical or  
18      mental disability and 25 percent of jail inmates have  
19      been treated at some time for a mental or emotional  
20      problem.

21           (20) According to the National Institute for  
22      Literacy, 70 percent of all prisoners function at the  
23      2 lowest literacy levels.

24           (21) The Bureau of Justice Statistics has found  
25      that 27 percent of Federal inmates, 40 percent of

1 State inmates, and 47 percent of local jail inmates  
2 have never completed high school or its equivalent.  
3 Furthermore, the Bureau of Justice Statistics has  
4 found that less educated inmates are more likely to  
5 be recidivists. Only 1 in 4 local jails offer basic adult  
6 education programs.

7 (22) In his 2004 State of the Union address,  
8 President Bush correctly stated:“We know from long  
9 experience that if former prisoners can’t find work,  
10 or a home, or help, they are much more likely to  
11 commit more crimes and return to prison... America  
12 is the land of the second chance, and when the gates  
13 of the prison open, the path ahead should lead to a  
14 better life.”

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

1 **SEC. 3. REAUTHORIZATION OF ADULT AND JUVENILE OF-**  
 2 **FENDER STATE AND LOCAL REENTRY DEM-**  
 3 **ONSTRATION PROJECTS.**

4 (a) ADULT OFFENDER DEMONSTRATION PROJECTS  
 5 AUTHORIZED.—Section 2976(b) of the Omnibus Crime  
 6 Control and Safe Streets Act of 1968 (42 U.S.C.  
 7 3797w(b)) is amended by striking paragraphs (1) through  
 8 (4) and inserting the following:

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

11 “(A) the correctional agency of the State  
 12 or local government develops and carries out  
 13 plans to facilitate the reentry into the commu-  
 14 nity of each offender in State or local custody;

15 “(B) the supervision and services provided  
 16 to offenders in State or local custody are co-  
 17 ordinated with the supervision and services pro-  
 18 vided to offenders after reentry into the com-  
 19 munity;

20 “(C) the efforts of various public and pri-  
 21 vate entities to provide supervision and services  
 22 to offenders after reentry into the community,  
 23 and to family members of such offenders, are  
 24 coordinated; and

25 “(D) offenders awaiting reentry into the  
 26 community are provided with documents (such

1 as identification papers, referrals to services,  
2 medical prescriptions, job training certificates,  
3 apprenticeship papers, and information on ob-  
4 taining public assistance) useful in achieving a  
5 successful transition from prison;

6 “(2) carrying out programs and initiatives by  
7 units of local government to strengthen reentry serv-  
8 ices for individuals released from local jails;

9 “(3) enabling prison mentors of offenders to re-  
10 main in contact with those offenders, including  
11 through the use of such technology as  
12 videoconferencing, during incarceration and after re-  
13 entry into the community and encouraging the in-  
14 volvement of prison mentors in the reentry process;

15 “(4) providing structured post-release housing  
16 and transitional housing, including group homes for  
17 recovering substance abusers, through which offend-  
18 ers are provided supervision and services imme-  
19 diately following reentry into the community;

20 “(5) assisting offenders in securing permanent  
21 housing upon release or following a stay in transi-  
22 tional housing;

23 “(6) providing continuity of health services (in-  
24 cluding mental health services, substance abuse  
25 treatment and aftercare, and treatment for con-

1 tagious diseases) to offenders in custody and after  
2 reentry into the community;

3 “(7) providing offenders with education, job  
4 training, English as a second language programs,  
5 work experience programs, self-respect and life skills  
6 training, and other skills needed to achieve self-suffi-  
7 ciency and a successful transition from prison;

8 “(8) facilitating collaboration among corrections  
9 and community corrections, technical schools, com-  
10 munity colleges, and the workforce development and  
11 employment service sectors to—

12 “(A) promote, where appropriate, the em-  
13 ployment of people released from prison and  
14 jail, through efforts such as educating employ-  
15 ers about existing financial incentives and facili-  
16 tate the creation of job opportunities, including  
17 transitional jobs, for this population that will  
18 benefit communities;

19 “(B) connect inmates to employment, in-  
20 cluding supportive employment and employment  
21 services, before their release to the community;  
22 and

23 “(C) addressing barriers to employment,  
24 including licensing;

1           “(9) assessing the literacy and educational  
2 needs of offenders in custody and identifying and  
3 providing services appropriate to meet those needs,  
4 including follow-up assessments and long-term serv-  
5 ices;

6           “(10) systems under which family members of  
7 offenders are involved in facilitating the successful  
8 reentry of those offenders into the community, in-  
9 cluding removing obstacles to the maintenance of  
10 family relationships while the offender is in custody,  
11 strengthening the family’s capacity to establish and  
12 maintain as a stable living situation during re-entry  
13 where appropriate, and involving family members in  
14 the planning and implementation of the re-entry  
15 process;

16           “(11) programs under which victims are in-  
17 cluded, on a voluntary basis, in the reentry process;

18           “(12) programs that facilitate visitation and  
19 maintenance of family relationships with respect to  
20 offenders in custody by addressing obstacles such as  
21 travel, telephone costs, mail restrictions, and restric-  
22 tive visitation policies;

23           “(13) identifying and addressing barriers to col-  
24 laborating with child welfare agencies in the provi-

1 sion of services jointly to offenders in custody and  
2 to the children of such offenders;

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

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

15 “(16) creating, developing, or enhancing pris-  
16 oner and family assessments curricula, policies, pro-  
17 cedures, or programs (including mentoring pro-  
18 grams) to help prisoners with a history or identified  
19 risk of domestic violence, dating violence, sexual as-  
20 sault, or stalking reconnect with their families and  
21 communities, as appropriate (or when it is safe to do  
22 so), and become mutually respectful, nonabusive par-  
23 ents or partners, under which particular attention is  
24 paid to the safety of children affected and the con-

1        confidentiality concerns of victims, and efforts are co-  
2        ordinated with existing victim service providers;

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

5            “(A) using telephone conferencing to per-  
6        mit incarcerated parents to participate in par-  
7        ent-teacher conferences;

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

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

15           “(D) the establishment of family days,  
16       which provide for longer visitation hours or  
17       family activities; or

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

20           “(18) expanding family-based treatment centers  
21       that offer family-based comprehensive treatment  
22       services for parents and their children as a complete  
23       family unit;

24           “(19) conducting studies to determining who is  
25       returning to prison or jail and which of those return-

1 ing prisoners represent the greatest risk to commu-  
2 nity safety;

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

6 “(21) developing and implementing procedures  
7 to assist relevant authorities in determining when re-  
8 lease is appropriate and in the use of data to inform  
9 the release decision;

10 “(22) developing and implementing procedures  
11 to identify efficiently and effectively those violators  
12 of probation or parole who should be returned to  
13 prison;

14 “(23) utilizing validated assessment tools to as-  
15 sess the risk factors of returning inmates and  
16 prioritizing services based on risk;

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

21 “(25) facilitating and encouraging timely and  
22 complete payment of restitution and fines by ex-of-  
23 fenders to victims and the community;

24 “(26) establishing or expanding the use of re-  
25 entry courts to—

1           “(A) monitor offenders returning to the  
2 community;

3           “(B) provide returning offenders with—

4               “(i) drug and alcohol testing and  
5 treatment; and

6               “(ii) mental and medical health as-  
7 sessment and services;

8           “(C) facilitate restorative justice practices  
9 and convene family or community impact pan-  
10 els, family impact educational classes, victim  
11 impact panels, or victim impact educational  
12 classes;

13           “(D) provide and coordinate the delivery of  
14 other community services to offenders, includ-  
15 ing—

16               “(i) housing assistance;

17               “(ii) education;

18               “(iii) employment training;

19               “(iv) children and family support;

20               “(v) conflict resolution skills training;

21               “(vi) family violence intervention pro-  
22 grams; and

23               “(vii) other appropriate social serv-  
24 ices;

1                   “(E) establish and implement graduated  
2                   sanctions and incentives; and

3                   “(27) providing technology and other tools nec-  
4                   essary to advance post release supervision.”.

5           (b)    JUVENILE    OFFENDER    DEMONSTRATION  
6 PROJECTS AUTHORIZED.—Section 2976(c) of the Omni-  
7 bus Crime Control and Safe Streets Act of 1968 (42  
8 U.S.C. 3797w(c)) is amended by striking “may be ex-  
9 pended for” and all that follows through the period at the  
10 end and inserting “may be expended for any activity re-  
11 ferred to in subsection (b).”.

12          (c)    APPLICATIONS;   PRIORITIES;   PERFORMANCE  
13 MEASUREMENTS.—Section 2976 of the Omnibus Crime  
14 Control and Safe Streets Act of 1968 (42 U.S.C. 3797w)  
15 is amended—

16               (1) by redesignating subsection (h) as sub-  
17               section (o); and

18               (2) by striking subsections (d) through (g) and  
19               inserting the following:

20           “(d) APPLICATIONS.—A State, unit of local govern-  
21 ment, territory, or Indian tribe desiring a grant under this  
22 section shall submit an application to the Attorney Gen-  
23 eral that—

24               “(1) contains a reentry strategic plan, which  
25               describes the long-term strategy, and a detailed im-

1       plementation schedule, including the jurisdiction’s  
2       plans to pay for the program after the Federal fund-  
3       ing is discontinued;

4               “(2) identifies the governmental agencies and  
5       community and faith-based organizations that will  
6       be coordinated by, and collaborate on, the appli-  
7       cant’s prisoner reentry strategy and certifies their  
8       involvement; and

9               “(3) describes the methodology and outcome  
10      measures that will be used in evaluating the pro-  
11      gram.

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

14              “(1) focus initiatives on geographic areas with  
15      a substantiated high population of ex-offenders;

16              “(2) include partnerships with community-based  
17      organizations, including faith-based organizations;

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

20              “(4) review the process by which the State ad-  
21      judicates violations of parole or supervised release  
22      and consider reforms to maximize the use of grad-  
23      uated, community-based sanctions for minor and  
24      technical violations of parole or supervised release;

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

10           “(6) target high-risk offenders for reentry pro-  
11           grams through validated assessment tools.

12           “(f) REQUIREMENTS.—The Attorney General may  
13           make a grant to an applicant only if the application—

14           “(1) reflects explicit support of the chief execu-  
15           tive officer of the State or unit of local government,  
16           territory, or Indian tribe applying for a grant under  
17           this section;

18           “(2) provides extensive discussion of the role of  
19           State corrections departments, community correc-  
20           tions agencies, juvenile justice systems, or local jail  
21           systems in ensuring successful reentry of ex-offend-  
22           ers into their communities;

23           “(3) provides extensive evidence of collaboration  
24           with State and local government agencies overseeing

1 health, housing, child welfare, education, and em-  
 2 ployment services, and local law enforcement;

3 “(4) provides a plan for the analysis of existing  
 4 State statutory, regulatory, rules-based, and prac-  
 5 tice-based hurdles to a prisoner’s reintegration into  
 6 the community that—

7 “(A) takes particular note of laws, regula-  
 8 tions, rules, and practices that disqualify former  
 9 prisoners from obtaining professional licenses or  
 10 other requirements for certain types of employ-  
 11 ment, and that hinder full civic participation;  
 12 and

13 “(B) identifies those laws, regulations,  
 14 rules, or practices that are not directly con-  
 15 nected to the crime committed and the risk that  
 16 the ex-offender presents to the community; and

17 “(5) includes the use of a State or local task  
 18 force to carry out the activities funded under the  
 19 grant.

20 “(g) USES OF GRANT FUNDS.—

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

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

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

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

10          “(h) REENTRY STRATEGIC PLAN.—

11           “(1) IN GENERAL.—As a condition of receiving  
12           financial assistance under this section, each appli-  
13           cant shall develop a comprehensive strategic reentry  
14           plan that contains measurable annual and 5- to 10-  
15           year performance outcomes. The plan shall have as  
16           a goal to reduce the rate of recidivism of incarcer-  
17           ated persons served with funds from this section  
18           within the State by 50 percent over a period of 10  
19           years.

20           “(2) COORDINATION.—In developing reentry  
21           plans under this subsection, applicants shall coordi-  
22           nate with communities and stakeholders, including  
23           experts in the fields of public safety, corrections,  
24           housing, health, education, employment, and mem-

1       bers of community and faith-based organizations  
2       that provide reentry services.

3               “(3) MEASUREMENTS OF PROGRESS.—Each re-  
4       entry plan developed under this subsection shall  
5       measure the applicant’s progress toward increasing  
6       public safety by reducing rates of recidivism and en-  
7       abling released offenders to transition successfully  
8       back into their communities.

9               “(i) REENTRY TASK FORCE.—

10              “(1) IN GENERAL.—As a condition of receiving  
11       financial assistance under this section, each State or  
12       local government receiving a grant shall establish a  
13       Reentry Task Force, or other relevant convening au-  
14       thority, to examine ways to pool existing resources  
15       and funding streams to promote lower recidivism  
16       rates for returning prisoners, and to minimize the  
17       harmful effects of incarceration on families and com-  
18       munities by collecting data and best practices in of-  
19       fender re-entry from demonstration grantees and  
20       other agencies and organizations.

21              “(2) MEMBERSHIP.—The task force or other  
22       authority shall be comprised of relevant State or  
23       local leaders, agencies, service providers, community-  
24       based organizations, or stakeholders.

25              “(j) STRATEGIC PERFORMANCE OUTCOMES.—

1           “(1) IN GENERAL.—Each applicant shall iden-  
2       tify specific performance outcomes related to the  
3       long-term goals of increasing public safety and re-  
4       ducing recidivism.

5           “(2) PERFORMANCE OUTCOMES.—The perform-  
6       ance outcomes identified under paragraph (1) shall  
7       include, with respect to offenders released back into  
8       the community—

9                   “(A) recommitment rates;

10                   “(B) reduction in crime;

11                   “(C) employment and education;

12                   “(D) violations of conditions of supervised  
13       release;

14                   “(E) child support;

15                   “(F) housing;

16                   “(G) drug and alcohol abuse; and

17                   “(H) participation in mental health serv-  
18       ices.

19           “(3) OPTIONAL MEASURES.—States may also  
20       report on other activities that increase the success  
21       rates of offenders who transition from prison, such  
22       as programs that foster effective risk management  
23       and treatment programming, offender accountability,  
24       and community and victim participation.

1           “(4) COORDINATION.—Applicants should co-  
2           ordinate with communities and stakeholders about  
3           the selection of performance outcomes identified by  
4           the applicants and with the Department of Justice  
5           for assistance with data collection and measurement  
6           activities.

7           “(5) REPORT.—Each grantee shall submit an  
8           annual report to the Department of Justice that—

9                   “(A) identifies the grantee’s progress to-  
10           ward achieving its strategic performance out-  
11           comes; and

12                   “(B) describes other activities conducted  
13           by the grantee to increase the success rates of  
14           the reentry population.

15           “(k) PERFORMANCE MEASUREMENT.—

16                   “(1) IN GENERAL.—The Department of Jus-  
17           tice, in consultation with the States, shall—

18                   “(A) identify primary and secondary  
19           sources of information to support the measure-  
20           ment of the performance indicators identified  
21           under this section;

22                   “(B) identify sources and methods of data  
23           collection in support of performance measure-  
24           ment required under this section;

1           “(C) provide to all grantees technical as-  
 2           sistance and training on performance measures  
 3           and data collection for purposes of this section;  
 4           and

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

10          “(2) COORDINATION.—The Department of Jus-  
 11          tice shall coordinate with other Federal agencies to  
 12          identify national sources of information to support  
 13          State performance measurement.

14          “(1) FUTURE ELIGIBILITY.—To be eligible to receive  
 15          a grant under this section for fiscal years after the first  
 16          receipt of such a grant, a State shall submit to the Attor-  
 17          ney General such information as is necessary to dem-  
 18          onstrate that—

19               “(1) the State has adopted a re-entry plan that  
 20               reflects input from community-based and faith-based  
 21               organizations;

22               “(2) the State’s re-entry plan includes perform-  
 23               ance measures to assess the State’s progress toward  
 24               increasing public safety by reducing by 10 percent  
 25               over the 2-year period the rate at which individuals

1 released from prison who participate in the re-entry  
2 system supported by Federal funds are recommitted  
3 to prison; and

4 “(3) the State will coordinate with the Depart-  
5 ment of Justice, community-based and faith-based  
6 organizations, and other experts regarding the selec-  
7 tion and implementation of the performance meas-  
8 ures described in subsection (k).

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

11 “(1) AUTHORITY.—The Attorney General may,  
12 using amounts made available to carry out this sub-  
13 section, make a grant to an eligible organization to  
14 provide for the establishment of a National Adult  
15 and Juvenile Offender Reentry Resource Center.

16 “(2) ELIGIBLE ORGANIZATION.—An organiza-  
17 tion eligible for the grant under paragraph (1) is  
18 any national nonprofit organization approved by the  
19 Federal task force established under the Second  
20 Chance Act of 2004 that represents, provides tech-  
21 nical assistance and training to, and has special ex-  
22 pertise and broad, national-level experience in of-  
23 fender re-entry programs, training, and research.

1           “(3) USE OF FUNDS.—The organization receiv-  
2           ing the grant shall establish a National Adult and  
3           Juvenile Offender Reentry Resource Center to—

4                   “(A) provide education, training, and tech-  
5                   nical assistance for States, local governments,  
6                   service providers, faith based organizations, and  
7                   corrections institutions;

8                   “(B) collect data and best practices in of-  
9                   fender re-entry from demonstration grantees  
10                  and others agencies and organizations;

11                  “(C) develop and disseminate evaluation  
12                  tools, mechanisms, and measures to better as-  
13                  sess and document coalition performance meas-  
14                  ures and outcomes;

15                  “(D) disseminate knowledge to States and  
16                  other relevant entities about best practices, pol-  
17                  icy standards, and research findings;

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

22                  “(F) develop and implement procedures to  
23                  identify efficiently and effectively those violators  
24                  of probation or parole who should be returned

1 to prison and those who should receive other  
2 penalties based on defined, graduated sanctions;

3 “(G) collaborate with the Federal task  
4 force established under the Second Chance Act  
5 of 2004 and the Federal Resource Center for  
6 Children of Prisoners;

7 “(H) develop a national research agenda;  
8 and

9 “(I) bridge the gap between research and  
10 practice by translating knowledge from research  
11 into practical information.

12 “(4) LIMIT.—Of amounts made available to  
13 carry out this section, not more than 2 percent shall  
14 be available for administrative expenses in carrying  
15 out this section.”.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
17 2976 of the Omnibus Crime Control and Safe Streets Act  
18 of 1968 (42 U.S.C. 3797w) is amended in subsection  
19 (o)(1), as redesignated by subsection (c), by striking “and  
20 \$16,000,000 for fiscal year 2005” and inserting  
21 “\$82,500,000 for fiscal year 2005, and \$82,500,000 for  
22 fiscal year 2006”.

1 **SEC. 4. TASK FORCE ON FEDERAL PROGRAMS AND ACTIVI-**  
2 **TIES RELATING TO REENTRY OF OFFENDERS.**

3 (a) TASK FORCE REQUIRED.—The Attorney General,  
4 in consultation with the Secretary of Housing and Urban  
5 Development, the Secretary of Labor, the Secretary of  
6 Education, the Secretary of Health and Human Services,  
7 the Secretary of Agriculture, the Secretary of Veterans Af-  
8 fairs, and the heads of such other elements of the Federal  
9 Government as the Attorney General considers appro-  
10 priate, and in collaboration with stakeholders, service pro-  
11 viders, community-based organizations, States, and local  
12 governments, shall establish an interagency task force on  
13 Federal programs and activities relating to the reentry of  
14 offenders into the community.

15 (b) DUTIES.—The task force established under sub-  
16 section (a) shall—

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

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

25 (3) identify areas of responsibility in which im-  
26 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 reentry  
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 enactment of this Act, the task force established under  
3 subsection (a) shall submit a report, including rec-  
4 ommendations, to Congress on barriers to reentry. The re-  
5 port shall identify Federal and other barriers to successful  
6 reentry of offenders into the community and analyze the  
7 effects of such barriers on offenders and on children and  
8 other family members of offenders, including—

9           (1) parental incarceration as a consideration for  
10 purposes of family reunification under the Adoption  
11 and Safe Families Act of 1997;

12           (2) admissions in Federal housing programs;

13           (3) child support obligations and procedures;

14           (4) Social Security benefits, Veterans benefits,  
15 food stamps, and other forms of Federal public as-  
16 sistance;

17           (5) Medicaid and Medicare procedures, require-  
18 ments, regulations, and guidelines;

19           (6) education programs, financial assistance,  
20 and full civic participation;

21           (7) TANF program funding criteria and other  
22 welfare benefits;

23           (8) employment;

24           (9) re-entry procedures, case planning, and the  
25 transition of persons from the custody of the Fed-

1       eral Bureau of Prisons to a Federal parole or proba-  
2       tion program or community corrections;

3           (10) laws, regulations, rules, and practices that  
4       may require a parolee to return to the same county  
5       that the parolee was living in prior to his or her ar-  
6       rest, and the potential for changing such laws, regu-  
7       lations, rules, and practices so that a parolee may  
8       change his or her setting upon release, and not set-  
9       tle in the same location with persons who may be a  
10      negative influence; and

11          (11) pre-release planning procedures for pris-  
12      oners to ensure that a prisoner's eligibility for Fed-  
13      eral or State benefits (including Medicaid, Medicare,  
14      Social Security, and Veteran's benefits) upon release  
15      is established prior to release, subject to any limita-  
16      tions under the law, and the provision of referrals to  
17      appropriate social and health services or are linked  
18      to appropriate community-based organizations.

19      (d) ANNUAL REPORTS.—On an annual basis, the  
20      task force required by subsection (a) shall submit to Con-  
21      gress a report on the activities of the task force, including  
22      specific recommendations of the task force on matters re-  
23      ferred to in subsection (b).

1 **SEC. 5. OFFENDER RE-ENTRY RESEARCH.**

2 (a) NATIONAL INSTITUTE OF JUSTICE.—From  
3 amounts made available to carry out this Act, the National  
4 Institute of Justice may conduct research on offender re-  
5 entry, including—

6 (1) a study identifying the number and charac-  
7 teristics of children who have had a parent incarcer-  
8 ated and the likelihood of these minors becoming in-  
9 volved in the criminal justice system some time in  
10 their lifetime;

11 (2) a study identifying a mechanism to compare  
12 rates of recidivism (including re-arrest, violations of  
13 parole and probation, and re-incarceration) among  
14 States; and

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

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

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

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

4           (3) annual reports on the profile of the popu-  
5       lation coming out of prisons, jails, and juvenile jus-  
6       tice facilities;

7           (4) a national recidivism study every three  
8       years; and

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

10 **SEC. 6. CHILDREN OF INCARCERATED PARENTS AND FAMI-**  
11 **LIES.**

12       The Secretary of Health and Human Services shall—

13           (1) review, and make available to States a re-  
14       port on any recommendations regarding, the role of  
15       State child protective services at the time of the ar-  
16       rest of a person; and

17           (2) by regulation, establish such services as the  
18       Secretary determines necessary for the preservation  
19       of families that have been impacted by the incarcer-  
20       ation of a family member.

21 **SEC. 7. ENCOURAGEMENT OF EMPLOYMENT OF FORMER**  
22 **PRISONERS.**

23       The Secretary of Labor shall take such steps as are  
24       necessary to implement a program, including but not lim-  
25       ited to the Employment and Training Administration, to

1 educate employers about existing incentives, including  
 2 bonding, to the hiring of former Federal, State, or county  
 3 prisoners.

4 **SEC. 8. FEDERAL RESOURCE CENTER FOR CHILDREN OF**  
 5 **PRISONERS.**

6 There are authorized to be appropriated to the Sec-  
 7 retary of Health and Human Services for each of fiscal  
 8 years 2005 and 2006, such sums as may be necessary for  
 9 the continuing activities of the Federal Resource Center  
 10 for Children of Prisoners, including conducting a review  
 11 of the policies and practices of State and Federal correc-  
 12 tions agencies to support parent-child relationships.

13 **SEC. 9. ELIMINATION OF AGE REQUIREMENT FOR REL-**  
 14 **ATIVE CAREGIVER UNDER NATIONAL FAMILY**  
 15 **CAREGIVER SUPPORT PROGRAM.**

16 Section 372 of the National Family Caregiver Sup-  
 17 port Act (part E of title III of the Older Americans Act  
 18 of 1965; 42 U.S.C. 3030s) is amended in paragraph (3)  
 19 by striking “who is 60 years of age or older and—” and  
 20 inserting “who—”.

1 **SEC. 10. 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:

12 “(4) to carry out any activity referred to in  
 13 subsections (b) and (c) of section 2976 of the Omni-  
 14 bus Crime Control and Safe Streets Act of 1968 (42  
 15 U.S.C. 3797w(b)–(c)).”.

16 **SEC. 11. GRANTS TO STUDY PAROLE VIOLATIONS AND REV-**  
 17 **OCATIONS.**

18 (a) GRANTS AUTHORIZED.—From amounts made  
 19 available to carry out this section, the Attorney General  
 20 may award grants to States to study, and to improve the  
 21 collection of data with respect to, individuals whose parole  
 22 is revoked and which such individuals represent the great-  
 23 est risk to community safety.

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

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

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

7                   (B) the reasons for parole revocation;

8                   (C) the underlying behavior that led to the  
 9                   revocation; and

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

12           (2) provide the data described in paragraph (1)  
 13           to the Bureau of Justice Statistics, in a form pre-  
 14           scribed by the Bureau.

15           (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 16           are authorized to be appropriated to carry out this section  
 17           \$1,000,000 for each of fiscal years 2005 and 2006.

18   **SEC. 12. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE**  
 19                   **ABUSE TREATMENT FOR STATE PRISONERS**  
 20                   **PROGRAM.**

21           (a) DEFINITION.—Section 1902 of the Omnibus  
 22           Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 23           3796ff–1) is amended by redesignating subsections (c)  
 24           through (f) as subsections (d) through (g), respectively,  
 25           and by inserting after subsection (b) the following:

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

9       (b) REQUIREMENT FOR AFTER CARE COMPONENT.—  
 10   Section 1902 of such Act is further amended in subsection  
 11   (d) (as redesignated by subsection (a)) is amended—

12           (1) in the subsection heading, by striking “ELI-  
 13       GIBILITY FOR PREFERENCE WITH AFTER CARE  
 14       COMPONENT” and inserting “REQUIREMENT FOR  
 15       AFTER CARE COMPONENT”;

16           (2) by amending paragraph (1) to read as fol-  
 17       lows:

18           “(1) To be eligible for funding under this part,  
 19       a State must ensure that individuals who participate  
 20       in the substance abuse treatment program estab-  
 21       lished or implemented with assistance provided  
 22       under this part will be provided with aftercare serv-  
 23       ices.”; and

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

1           “(4) Aftercare services required by this sub-  
 2           section shall be funded by the funding provided in  
 3           this part.”.

4   **SEC. 13. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL**  
 5                           **PRISONS.**

6           Section 3621(e)(5)(A) of title 18, United States  
 7   Code, is amended by striking “means a course of” and  
 8   all that follows through the semicolon at the end and in-  
 9   serting the following: “means a course of individual and  
 10   group activities and treatment, lasting at least 6 months,  
 11   in residential treatment facilities set apart from the gen-  
 12   eral prison population, which may include the use of  
 13   pharmacotherapies, where appropriate, that may extend  
 14   beyond the 6-month period;”.

15   **SEC. 14. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS**  
 16                           **AVAILABLE FOR CORRECTIONS EDUCATION**  
 17                           **PROGRAMS UNDER THE ADULT EDUCATION**  
 18                           **AND FAMILY LITERACY ACT.**

19           (a) IN GENERAL.—Section 222(a)(1) of the Adult  
 20   Education and Family Literacy Act (20 U.S.C.  
 21   9222(a)(1) is amended by striking “, of which not more  
 22   than 10 percent of the 82.5 percent shall be available to  
 23   carry out section 225”.

24           (b) REPORT.—Not later than 180 days after the date  
 25   of the enactment of this Act, the Secretary of Education

1 shall submit to Congress a report on the use of literacy  
 2 funds to correctional institutions, as defined in section  
 3 225(d)(2) of the Adult Education and Family Literacy  
 4 Act (20 U.S.C. 9224). The report shall specify the  
 5 amount of literacy funds that are provided to each cat-  
 6 egory of correctional institution in each State, and identify  
 7 whether funds are being sufficiently allocated among the  
 8 various types of institutions.

9 **SEC. 15. TECHNICAL AMENDMENT TO DRUG-FREE STU-**  
 10 **DENT LOANS PROVISION TO ENSURE THAT IT**  
 11 **APPLIES ONLY TO OFFENSES COMMITTED**  
 12 **WHILE RECEIVING FEDERAL AID.**

13 Section 484(r)(1) of the Higher Education Act of  
 14 1965 (20 U.S.C. 1091(r)(1)) is amended by striking “A  
 15 student” and all that follows through “table:” and insert-  
 16 ing the following: “A student who is convicted of any of-  
 17 fense under any Federal or State law involving the posses-  
 18 sion or sale of a controlled substance for conduct that oc-  
 19 curred during a period of enrollment for which the student  
 20 was receiving any grant, loan, or work assistance under  
 21 this title shall not be eligible to receive any grant, loan,  
 22 or work assistance under this title from the date of that  
 23 conviction for the period of time specified in the following  
 24 table:”.

1 **SEC. 16. MENTORING GRANTS TO COMMUNITY-BASED OR-**  
2 **GANIZATIONS.**

3 (a) **AUTHORITY TO MAKE GRANTS.**—From amounts  
4 made available under this section, the Secretary of Labor  
5 shall make grants to community-based organizations for  
6 the purpose of providing mentoring and other transitional  
7 services essential to reintegrating ex-offenders and incar-  
8 cerated persons into society.

9 (b) **USE OF FUNDS.**—Grant funds awarded under  
10 subsection (a) may be used for—

11 (1) mentoring adult and juvenile offenders; and

12 (2) transitional services to assist in the re-inte-  
13 gration of ex-offenders into the community.

14 (c) **APPLICATION.**—To be eligible to receive a grant  
15 under this section, a community-based organization shall  
16 submit an application to the Secretary of Labor, based  
17 upon criteria developed by the Secretary of Labor in con-  
18 sultation with the Attorney General and the Secretary of  
19 Housing and Urban Development.

20 (d) **STRATEGIC PERFORMANCE OUTCOMES.**—The  
21 Secretary of Labor may require each applicant to identify  
22 specific performance outcomes related to the long-term  
23 goal of stabilizing communities by reducing recidivism and  
24 re-integrating ex-offenders and incarcerated persons into  
25 society.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 \$22,500,000 for each of fiscal years 2005 and 2006.

4 **SEC. 17. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**  
 5 **ONER IN COMMUNITY CORRECTIONS.**

6 Section 3624(c) of title 18, United States Code, is  
 7 amended to read as follows:

8 “(c) PRE-RELEASE CUSTODY.—

9 “(1) IN GENERAL.—The Bureau of Prisons  
 10 shall, to the extent practicable, assure that a pris-  
 11 oner serving a term of imprisonment spends a rea-  
 12 sonable part of the final portion of the term, not to  
 13 exceed 1 year, to be served under conditions that  
 14 will afford the prisoner a reasonable opportunity to  
 15 adjust to and prepare for the prisoner’s reentry into  
 16 the community. Such conditions may include a com-  
 17 munity correctional facility.

18 “(2) AUTHORITY.—This subsection authorizes  
 19 the Bureau of Prisons to place a prisoner in home  
 20 confinement for the last 10 per centum of the term  
 21 to be served, not to exceed 6 months.

22 “(3) ASSISTANCE.—The United States Proba-  
 23 tion System shall, to the extent practicable, offer as-  
 24 sistance to a prisoner during such pre-release cus-  
 25 tody.

1           “(4) NO LIMITATIONS.—Nothing in this sub-  
2           section shall be construed to limit or restrict the au-  
3           thority of the Bureau of Prisons granted under sec-  
4           tion 3621 of this title”.

○