

111TH CONGRESS  
1ST SESSION

# H. R. 4328

To amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. SCOTT of Virginia (for himself, Mr. CONYERS, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, 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 “Literacy, Education,  
5       and Rehabilitation Act”.

1 **SEC. 2. CREDIT FOR PARTICIPATION IN EDUCATIONAL, VO-**  
2 **CATIONAL, TREATMENT, ASSIGNED WORK, OR**  
3 **OTHER DEVELOPMENTAL PROGRAMS.**

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

6 (1) in subsection (a), by striking “as provided  
7 in subsection (b)”;

8 (2) by redesignating subsections (c), (d), (e),  
9 and (f), as subsections (d), (e), (f), and (g); and

10 (3) by inserting after subsection (b) the fol-  
11 lowing new subsection:

12 “(c) CREDIT TOWARD SERVICE OF SENTENCE FOR  
13 SATISFACTORY PARTICIPATION IN A DESIGNATED PRO-  
14 GRAM.—

15 “(1) IN GENERAL.—Subject to paragraphs (2)  
16 and (3), a prisoner serving a term of imprisonment  
17 of more than 1 year may receive credit toward the  
18 service of the prisoner’s sentence, in addition to any  
19 other credit received, beyond the time already  
20 served, of up to 60 days at the end of each year of  
21 the court-imposed sentence, beginning at the end of  
22 the first year of such sentence. Credit for the last  
23 year or portion of a year of the term of imprison-  
24 ment shall be prorated and credited within the last  
25 6 weeks of the sentence.

1           “(2) SATISFACTORY PARTICIPATION IN DES-  
2           IGNATED PROGRAM.—A prisoner shall be awarded  
3           credit under paragraph (1) if the Director of the  
4           Bureau of Prisons determines that the prisoner has  
5           earned, or is making satisfactory progress toward  
6           earning, a certificate of completion in a designated  
7           program, has satisfactorily participated in a des-  
8           ignated program, or has taught or conducted a des-  
9           ignated program.

10           “(3) NUMBER OF DAYS OF CREDIT AWARD-  
11           ED.—

12           “(A) IN GENERAL.—The Director of the  
13           Bureau of Prisons shall determine and establish  
14           a policy setting forth the rate of the number of  
15           days of credit which a prisoner may be awarded  
16           under this subsection with respect to any des-  
17           ignated program.

18           “(B) SPECIFIC CONSIDERATIONS.—In de-  
19           termining the number of days of credit a pris-  
20           oner may be awarded with respect to a des-  
21           ignated program, the Director of the Bureau of  
22           Prisons shall consider—

23                   “(i) the level of difficulty of the pro-  
24                   gram;

1 “(ii) the time required by the pro-  
2 gram;

3 “(iii) the level of responsibility ex-  
4 pected of the prisoner with respect to the  
5 program;

6 “(iv) the rehabilitative benefits the  
7 program provides the prisoner; and

8 “(v) the benefits the program provides  
9 the Bureau of Prisons.

10 “(C) AVAILABILITY TO PRISONERS.—The  
11 Director of the Bureau of Prisons shall make  
12 the policy applicable to credit awarded under  
13 this subsection available for each prisoner to re-  
14 view prior to that prisoner’s participation in  
15 any designated program.

16 “(4) ELIGIBILITY.—Any person sentenced to a  
17 term of imprisonment under custody of the Attorney  
18 General, whether sentenced or convicted prior to or  
19 after November 1, 1987, shall be eligible for the  
20 credits described in this subsection.

21 “(5) DESIGNATED PROGRAM.—The term ‘des-  
22 ignated program’ means a program which has been  
23 designated by the Director of the Bureau of Prisons  
24 as a program which benefits either prisoners or the  
25 Bureau of Prisons, including—

1           “(A) educational and vocational programs,  
2           such as courses and programs through which a  
3           prisoner may earn a high school diploma or an  
4           equivalent degree or certification through an ac-  
5           credited vocational training program, college, or  
6           university;

7           “(B) treatment programs, such as inter-  
8           ventional rehabilitation programs, including  
9           mental health and drug abuse programs; and

10           “(C) assigned work and developmental pro-  
11           grams.”.

12           (b) PRISONERS TRANSFERRED FROM FOREIGN  
13 COUNTRIES TO THE CUSTODY OF THE ATTORNEY GEN-  
14 ERAL.—

15           (1) IN GENERAL.—The second sentence of sec-  
16 tion 4105(c)(1) of title 18, United States Code, is  
17 amended by inserting “and for participation in des-  
18 ignated programs under section 3624(c)” after “sat-  
19 isfactory behavior”.

20           (2) CONFORMING AMENDMENTS.—Section  
21 4105(c) of title 18, United States Code, is amend-  
22 ed—

23           (A) by striking “at the rate provided in  
24 section 3624(b)” each place it appears and in-

1           serting “at the rates provided in sections  
2           3624(b) and (c)”; and

3           (B) in paragraph (3), by striking “section  
4           3624(b)” and inserting “sections 3624(b) and  
5           (c)”.

6           (c) CONFORMING AMENDMENTS.—

7           (1) TITLE 18.—Section 3603(6) of title 18,  
8           United States Code, is amended by striking  
9           “3624(c)” and inserting “3624(d)”.

10          (2) TITLE 28.—Section 994(a)(2)(F) of title 28,  
11          United States Code, is amended by striking  
12          “3624(c)” and inserting “3624(d)”.

13   **SEC. 3. GOOD TIME CREDIT.**

14          (a) IN GENERAL.—Section 3624(b)(1) of title 18,  
15          United States Code, is amended by striking “, beyond the  
16          time served, of up to 54 days at the end of each year of  
17          the prisoner’s term of imprisonment, beginning at the end  
18          of the first year of the term,” and inserting “of up to 54  
19          days for each year of the prisoner’s sentence imposed by  
20          the court,”.

21          (b) RESTORATION OF CREDIT.—Section 3624(b)(1)  
22          is amended by striking the sentence beginning “Credit  
23          that has not been earned” and inserting “The Bureau may  
24          subsequently restore any or all credit previously denied,

1 based on the prisoner's maintaining good behavior as de-  
2 termined by the Bureau.".

3 (c) APPLICABILITY.—The amendments made by this  
4 section apply with respect to each prison sentence that has  
5 not been completed before the effective date of this Act,  
6 except any sentence imposed before November 1, 1987.

7 **SEC. 4. EFFECTIVE DATE.**

8 This Act and the amendments made by this Act shall  
9 take effect upon the expiration of the 90-day period begin-  
10 ning on the date of the enactment of this Act.

