

115TH CONGRESS
2D SESSION

S. 3588

To amend title 18, United States Code, to establish an Office of Federal Correctional Education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2018

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

A BILL

To amend title 18, United States Code, to establish an Office of Federal Correctional Education, 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 “Promoting Reentry
5 Through Education in Prisons Act of 2018” or the
6 “PREP Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) DIRECTOR.—The term “Director” means
10 the Director of the Bureau of Prisons.

1 (2) ASSISTANT DIRECTOR.—The term “Assist-
 2 ant Director” means the Assistant Director for Cor-
 3 rectional Education appointed under section 4142(b)
 4 of title 18, United States Code, as added by this
 5 Act.

6 **SEC. 3. OFFICE OF FEDERAL CORRECTIONAL EDUCATION.**

7 (a) IN GENERAL.—Part III of title 18, United States
 8 Code, is amended by inserting after chapter 307 the fol-
 9 lowing:

10 **“CHAPTER 308—EDUCATION**

 “Sec.

 “4141. Definitions.

 “4142. Office of Federal Correctional Education.

 “4143. Federal Correctional Education Program.

11 **“§ 4141. Definitions**

12 “‘In this chapter:

13 “(1) DIRECTOR.—The term ‘Director’ means
 14 the Director of the Bureau of Prisons.

15 “(2) ASSISTANT DIRECTOR.—The term ‘Assist-
 16 ant Director’ means the Assistant Director for Cor-
 17 rectional Education appointed under section
 18 4142(b).

19 **“§ 4142. Office of Federal Correctional Education**

20 “(a) PURPOSES.—The purposes of this chapter are
 21 to—

1 “(1) encourage, support, and standardize edu-
2 cational programs for criminal offenders in Federal
3 penal and correctional institutions;

4 “(2) be a nationwide repository for research,
5 policies, and best practices in correctional education;
6 and

7 “(3) offer training and technical assistance for
8 State prison systems.

9 “(b) ESTABLISHMENT OF THE OFFICE OF FEDERAL
10 CORRECTIONAL EDUCATION.—The Director shall estab-
11 lish within the Bureau of Prisons an Office of Federal
12 Correctional Education, which shall be headed by an As-
13 sistant Director for Correctional Education appointed by
14 the Director.

15 “(c) FUNCTIONS OF THE OFFICE OF FEDERAL COR-
16 RECTIONAL EDUCATION.—The Office of Federal Correc-
17 tional Education required to be established under this sec-
18 tion shall ensure the provision of educational services for
19 criminal offenders in all Federal penal and correctional in-
20 stitutions, including programs such as adult literacy, basic
21 skills development, education toward a regular high school
22 diploma (as defined in section 8101 of the Elementary and
23 Secondary Education Act of 1965 (20 U.S.C. 7801)) or
24 its recognized equivalent, postsecondary education, work-
25 force readiness, apprenticeships, career and technical edu-

1 cation, and expanded opportunities for individuals with
2 learning disabilities, including by—

3 “(1) implementing the Federal Correctional
4 Education Program under section 4143;

5 “(2) coordinating and standardizing quality,
6 evidence-based, and effective education programs
7 and services across all Federal penal and correc-
8 tional institutions;

9 “(3) coordinating relevant Federal agencies in
10 providing quality educational services;

11 “(4) coordinating with the Secretary of Vet-
12 erans Affairs to identify and provide information to
13 incarcerated veterans regarding potential eligibility
14 for educational assistance under laws administered
15 by the Secretary, including educational assistance
16 under chapters 30 and 33 of title 38, United States
17 Code;

18 “(5) issuing reports on correctional education
19 best practices;

20 “(6) providing training and technical assistance
21 for State prison systems; and

22 “(7) coordinating with the Bureau of Justice
23 Statistics, the National Institute of Justice, and the
24 National Institute of Corrections in collecting and
25 reporting Federal and State data on—

1 “(A) the number of individuals who com-
2 plete a vocational education sequence, earn a
3 regular high school diploma (as defined in sec-
4 tion 8101 of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7801)) or its
6 recognized equivalent, or earn a postsecondary
7 degree or certificate, while incarcerated;

8 “(B) the correlation between participating
9 in or completing a program described in sub-
10 paragraph (A) and continued educational en-
11 rollment, both in-custody and post-release;

12 “(C) the correlation between participating
13 in and completing a program described in sub-
14 paragraph (A) with post-release outcomes, in-
15 cluding job placement, job retention, and recidi-
16 vism;

17 “(D) the correlation between participating
18 in and completing a program described in sub-
19 paragraph (A) with in-custody outcomes, in-
20 cluding persistence into other education or
21 training programs and reduction in citations;

22 “(E) the impact of the correlation de-
23 scribed in subparagraphs (C) and (D) on over-
24 all corrections spending through factors such
25 as—

1 “(i) impacts on recidivism;

2 “(ii) spending on security in Federal
3 penal and correctional institutions; and

4 “(iii) other relevant factors; and

5 “(F) other relevant data.

6 “(d) REGULATIONS.—The Attorney General may
7 issue regulations to implement subsection (c).

8 **“§ 4143. Federal Correctional Education Program**

9 “(a) DEFINITIONS.—In this section:

10 “(1) DEMONSTRATED EFFECTIVENESS.—The
11 term ‘demonstrated effectiveness’ means the past ef-
12 fectiveness of an eligible provider demonstrated by
13 providing—

14 “(A) performance data on its record of im-
15 proving the skills of eligible students, particu-
16 larly eligible individuals who have low levels of
17 literacy, in the content domains of reading,
18 writing, mathematics, English language acquisi-
19 tion, and other relevant subject areas; and

20 “(B) information regarding its outcomes
21 for participants related to program completion,
22 employment attainment, pursuit of additional
23 education, and other relevant factors.

24 “(2) ELIGIBLE PROVIDER.—The term ‘eligible
25 provider’ means an organization that has dem-

1 onstrated effectiveness in providing adult literacy
 2 and workforce development activities, which may in-
 3 clude—

4 “(A) an accredited institution of postsec-
 5 ondary education;

6 “(B) a local educational agency;

7 “(C) a community-based organization or
 8 faith-based organization;

9 “(D) a volunteer literacy organization;

10 “(E) a public or private nonprofit agency;

11 “(F) a nonprofit institution that is not de-
 12 scribed in subparagraphs (A) through (E) and
 13 has the ability to provide adult education and
 14 literacy activities to eligible individuals;

15 “(G) a consortium or coalition of the agen-
 16 cies, organizations, and institutions described in
 17 any of subparagraphs (A) through (F); and

18 “(H) a partnership between an employer
 19 and an entity described in any of subpara-
 20 graphs (A) through (G).

21 “(3) ELIGIBLE STUDENT.—The term ‘eligible
 22 student’ means an individual who is incarcerated in
 23 a Federal correctional facility.

1 “(4) PROGRAM.—The term ‘Program’ means
2 the Federal Correctional Education Program re-
3 quired to be established under subsection (b)(1).

4 “(b) AUTHORIZATION.—

5 “(1) IN GENERAL.—The Assistant Director
6 shall establish a Federal Correctional Education
7 Program to develop and support partnerships be-
8 tween eligible institutions and Federal correctional
9 facilities to provide quality educational opportunities
10 to facilitate successful community reintegration.

11 “(2) SELECTION OF ELIGIBLE PROVIDERS.—
12 The Assistant Director shall select eligible providers
13 to partner with Federal correctional facilities to de-
14 velop quality programs for eligible students, that
15 shall include—

16 “(A) adult literacy;

17 “(B) basic skills development;

18 “(C) education toward a regular high
19 school diploma (as defined in section 8101 of
20 the Elementary and Secondary Education Act
21 of 1965 (20 U.S.C. 7801)) or its recognized
22 equivalent;

23 “(D) postsecondary education;

24 “(E) workforce readiness;

25 “(F) apprenticeships; and

1 “(G) career and technical education.

2 “(3) QUALITY PROGRAMS.—When determining
3 which eligible providers will be selected for partici-
4 pation in the Program, the Assistant Director shall
5 consider the evidence that demonstrates a strong
6 record on student outcomes and successful commu-
7 nity reintegration that shall include—

8 “(A) high rates of program completion;

9 “(B) a demonstrated record of a reduction
10 in recidivism rates;

11 “(C) employment retention;

12 “(D) housing stability; and

13 “(E) other relevant factors.

14 “(4) DIPLOMA MILLS.—The Assistant Director
15 will prevent diploma mills (as defined in section 103
16 of the Higher Education Act of 1965 (20 U.S.C.
17 1003)) from participating in the Program.

18 “(c) PARTICIPATION BY ELIGIBLE PROVIDERS.—

19 “(1) IN GENERAL.—An eligible provider that
20 desires to participate in the Program under this sec-
21 tion shall—

22 “(A) develop a quality program, in coordi-
23 nation with the Federal correctional facility
24 with which the institution is in partnership, for
25 eligible students, in which the Federal correc-

1 tional facility shall administer the logistics of
2 the program, such as—

3 “(i) scheduling;

4 “(ii) location and space;

5 “(iii) security; and

6 “(iv) other logistical factors;

7 “(B) ensure that all eligible students re-
8 ceive adequate adult literacy, basic skills devel-
9 opment, and education toward a regular high
10 school diploma or its recognized equivalent; and

11 “(C) prioritize developing education and
12 training programs that prepare eligible students
13 for high-demand occupations from which they
14 are not legally barred from entering due to re-
15 strictions on formerly incarcerated individuals
16 obtaining any necessary licenses or certifi-
17 cations for those occupations, and in doing so,
18 providers shall—

19 “(i) consider State licensing require-
20 ments, administrative barriers, and waiver
21 provisions that will impact eligible students
22 in certain occupations when designing their
23 programs; and

24 “(ii) inform eligible students of poten-
25 tial barriers to licensing or employment

1 upon release depending on the program of-
2 ferred and the States in which eligible stu-
3 dents settle.

4 “(2) INFORMATION TO ELIGIBLE STUDENTS.—
5 Eligible providers that participate in the Program
6 under this section shall—

7 “(A) as appropriate, disclose to eligible
8 students and the Office of Federal Correctional
9 Education information about any part of the
10 academic program developed under this section
11 that, by design, cannot be completed while a
12 student is incarcerated, as well as the options
13 available for an eligible student to complete any
14 remaining program requirements post-release;

15 “(B) as appropriate, offer eligible students
16 the opportunity to continue the students’ enroll-
17 ment in the academic program if the student is
18 released from the Federal correctional facility
19 prior to completion of the academic program;

20 “(C) as appropriate, inform eligible stu-
21 dents of the academic and financial options
22 available if the students are not able to com-
23 plete the academic program while incarcerated,
24 including whether the eligible students can con-
25 tinue in the program after release, transfer

1 credits earned in the program to another pro-
2 gram offered by the institution, or transfer
3 credits earned in the program to another insti-
4 tution of higher education; and

5 “(D) as appropriate, for eligible students
6 who wish to continue their education upon re-
7 lease, offer appropriate financial aid counseling,
8 including student loan counseling; and

9 “(E) as appropriate, offer eligible students
10 career counselling and job placement assistance
11 upon academic program completion and release
12 from custody.

13 “(3) INFORMATION TO THE OFFICE OF FED-
14 ERAL CORRECTIONAL EDUCATION.—An eligible pro-
15 vider that participates in the Program under this
16 section shall submit to the Assistant Director—

17 “(A) a plan for providing academic and ca-
18 reer guidance to eligible students, as well as
19 transition services, to support successful com-
20 munity reintegration of such students; and

21 “(B) information about the eligible stu-
22 dents participating in the Program.

23 “(d) TECHNICAL ASSISTANCE.—The Assistant Direc-
24 tor shall work with relevant Federal agencies to provide
25 technical assistance to eligible providers, and the Federal

1 correctional facilities with which they are in partnership,
 2 developing new quality academic programs for eligible stu-
 3 dents, or expanding existing programs.

4 “(e) ANNUAL REPORT.—

5 “(1) IN GENERAL.—An eligible provider that
 6 participates in the Program, working with the Fed-
 7 eral correctional facility with which it is in partner-
 8 ship, shall submit to the Assistant Director an an-
 9 nual report on the provider’s academic program for
 10 eligible students, including implementation and re-
 11 sults.

12 “(2) CONTENTS OF REPORT.—Each annual re-
 13 port submitted under paragraph (1) shall include in-
 14 formation on—

15 “(A) courses and programs offered;

16 “(B) numbers and types of certificates and
 17 degrees awarded;

18 “(C) the partnership with the Federal cor-
 19 rectional facility, including information on space
 20 allocation, resources, staffing, and other rel-
 21 evant information on effective collaboration;

22 “(D) the effectiveness of different edu-
 23 cational dosages;

24 “(E) the variance of different doses by
 25 educational program;

1 “(F) the models of instruction and cur-
 2 riculum delivery that are most effective in a
 3 correctional environment;

4 “(G) challenges in providing programs and
 5 courses in the prison settings;

6 “(H) how such challenges were addressed;

7 “(I) suggestions for the agency to assist in
 8 addressing challenges;

9 “(J) impacts on the environment and safe-
 10 ty of the correctional facility;

11 “(K) continuance of education by eligible
 12 students after release;

13 “(L) continued participation in educational
 14 programs after release;

15 “(M) factors related to the pursuit of edu-
 16 cation, such as housing attainment;

17 “(N) average and projected costs, overall
 18 and per student, of the program;

19 “(O) student demographic data, including
 20 age, gender, race, and security level; and

21 “(P) other relevant data.

22 “(f) EVALUATION.—

23 “(1) IN GENERAL.—The Assistant Director,
 24 through the National Institute of Corrections, shall

1 conduct an evaluation of the Program that as-
2 sesses—

3 “(A) in-custody outcomes, including im-
4 pacts on tickets, segregation, program partici-
5 pation outside of education, and continued en-
6 rollment in correctional education programs;

7 “(B) post-release outcomes, including to-
8 ward postsecondary enrollment in and degree
9 attainment from an institution of higher edu-
10 cation, and progress toward a degree in credits
11 or time;

12 “(C) safety in correctional facilities;

13 “(D) the demand for participation in cor-
14 rectional education programs, including the size
15 of waiting lists;

16 “(E) employment outcomes of participants;

17 “(F) impacts on recidivism; and

18 “(G) other relevant data.

19 “(2) TRACKING STUDENTS.—The evaluation de-
20 scribed in paragraph (1) shall track eligible students
21 while incarcerated and for the 3- and 5-year periods
22 post-release from incarceration.

23 “(3) PARTNERSHIP.—The evaluation described
24 in paragraph (1) shall be conducted in partnership
25 with one or multiple external evaluators.

1 “(g) MATCHING FUNDS.—The Federal share of the
 2 cost of an academic program carried out under this section
 3 may not exceed 75 percent of the total cost of the aca-
 4 demic program.

5 “(h) ALLOCATION OF FUNDS.—For fiscal years 2020
 6 through 2026, of the amounts appropriated to the Bureau
 7 of Prisons, \$170,000,000 shall be used to carry out sub-
 8 section (b).”.

9 (b) AMENDMENT TO DUTIES OF THE BUREAU OF
 10 PRISONS.—Section 4042(a) of title 18, United States
 11 Code, is amended—

12 (1) in subparagraph (D)—

13 (A) by striking “(D) establish” and insert-
 14 ing “(6) establish”; and

15 (B) in clause (ii), by striking “and” at the
 16 end;

17 (2) by inserting after paragraph (6), as so re-
 18 designated, the following:

19 “(7) establish the Office of Federal Correctional
 20 Education required under section 4142; and”; and

21 (3) in subparagraph (E), by striking “(E) es-
 22 tablish” and inserting “(8) establish”.

23 (c) TABLE OF CHAPTERS AMENDMENT.—The table
 24 of chapters for part III of title 18, United States Code,

1 is amended by inserting after the item relating to section
 2 307 the following:

“308. Education 4141”.

3 **SEC. 4. CORRECTIONAL EDUCATION RESEARCH, POLICES,**
 4 **AND BEST PRACTICES.**

5 (a) IN GENERAL.—The Assistant Director, in col-
 6 laboration with relevant Federal agencies, State and local
 7 correctional institutions, and research agencies and orga-
 8 nizations, shall establish and maintain a clearinghouse for
 9 research, policies, and best practices on quality correc-
 10 tional education programs.

11 (b) INFORMATION TO THE PUBLIC.—The Assistant
 12 Director shall maintain information and resources on the
 13 public-facing website of the Bureau of Prisons.

14 **SEC. 5. TRAINING AND TECHNICAL ASSISTANCE.**

15 (a) IN GENERAL.—The Assistant Director shall use
 16 funds available to the Bureau of Prisons to provide State
 17 and local correctional institutions with training and tech-
 18 nical assistance on developing and implementing policies
 19 and procedures for quality correctional education pro-
 20 grams.

21 (b) PARTNERSHIP.—Federal correctional and penal
 22 institutions with Federal Correctional Education pro-
 23 grams established under section 4143 of title 18, United
 24 States Code, as added by this Act, may partner with State
 25 and local correctional institutions and education providers

1 located in the same State or region to facilitate training
2 and technical assistance.

3 **SEC. 6. CORRECTIONAL EDUCATION FOR INCARCERATED**
4 **VETERANS.**

5 (a) IN GENERAL.—The Secretary of Veterans Af-
6 fairs, in coordination with the Director and State correc-
7 tional agencies, shall—

8 (1) carry out a program of outreach to inform
9 veterans incarcerated in a Federal or State correc-
10 tional facility about potential eligibility for edu-
11 cational assistance under laws administered by the
12 Secretary, including educational assistance under
13 chapters 30 and 33 of title 38, United States Code;

14 (2) ensure that educational assistance under
15 laws administered by the Secretary is available to a
16 veteran who is incarcerated as described in para-
17 graph (1) and otherwise eligible for the assistance;

18 (3) assist each veteran who is incarcerated as
19 described in paragraph (1) and eligible for edu-
20 cational assistance under a law administered by the
21 Secretary by connecting the veteran to one or more
22 quality correction education programs, including the
23 Federal Correction Education Program established
24 under section 4143 of title 18, United States Code,
25 as added by this Act, when the veteran is incarcer-

1 ated in a Federal or State correctional facility that
2 provides one or more correction education programs
3 that are approved for the use of such assistance;

4 (4) provide financial aid counseling related to
5 continued educational enrollment and matriculation
6 post-release; and

7 (5) compile and make available to incarcerated
8 veterans a resource guide for incarcerated veterans
9 that includes general information about the avail-
10 ability, post-release, of—

11 (A) educational assistance available under
12 laws administered by the Secretary; and

13 (B) job counseling, training, and place-
14 ment services available under chapters 41 and
15 42 of title 38, United States Code.

16 (b) LIMITATION ON PROVISION OF EDUCATIONAL AS-
17 SISTANCE.—

18 (1) MONTHLY HOUSING STIPEND.—A veteran
19 with a felony conviction who is incarcerated in a
20 Federal or State correctional facility may not re-
21 ceive, while so incarcerated—

22 (A) any monthly housing stipend under
23 section 3313 of title 38, United States Code; or

1 (B) any amount under section 3014 of
2 such title otherwise payable to help meet the
3 veteran's subsistence costs.

4 (2) COSTS COVERED BY OTHER PROGRAMS.—
5 Notwithstanding any other provision of law, the Sec-
6 retary shall reduce the amount of educational assist-
7 ance that the Secretary would otherwise provide to
8 a veteran described in paragraph (1) under a law
9 administered by the Secretary for costs of tuition,
10 fees, supplies, books, equipment, and other edu-
11 cational costs relating to pursuing a program of edu-
12 cation while incarcerated by an amount equal to the
13 amount that such costs are paid by another Federal,
14 State, or local program.

○