

(Mr. BLUMENTHAL) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1740, a bill to authorize Department of Veterans Affairs major medical facility leases, and for other purposes.

S. 1749

At the request of Mr. SCHATZ, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1749, a bill to improve master plans for major military installations.

S. 1753

At the request of Mr. NELSON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1753, a bill to extend Government liability, subject to appropriation, for certain third-party claims arising from commercial space launches.

S. 1756

At the request of Mr. BLUNT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1756, a bill to amend section 403 of the Federal Food, Drug and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 1759

At the request of Mr. SANDERS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1759, a bill to reauthorize the teaching health center program.

S. RES. 299

At the request of Mr. SCHUMER, the names of the Senator from Nevada (Mr. REID), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Hawaii (Mr. SCHATZ), the Senator from Nevada (Mr. HELLER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. KIRK), the Senator from Delaware (Mr. COONS), the Senator from Virginia (Mr. WARNER), the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Mr. CARDIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. BENNET), the Senator from Utah (Mr. HATCH), the Senator from Iowa (Mr. HARKIN), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from California (Mrs. BOXER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 299, a resolution congratulating the American Jewish Joint Distribution Committee on the celebration of its 100th anniversary and commending its significant contribution to empower and revitalize developing communities around the world.

AMENDMENT NO. 2142

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2142 intended to be pro-

posed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2144

At the request of Ms. MURKOWSKI, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2144 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2176

At the request of Mr. RISCH, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2176 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2343

At the request of Mr. MERKLEY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 2343 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2418

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2418 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2419

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 2419 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2499

At the request of Mr. BEGICH, his name was added as a cosponsor of amendment No. 2499 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. LEE, Mr. HATCH, and Mr. GRASSLEY):

S. 1783. A bill to enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1783

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prison Reform Act of 2013".

### SEC. 2. PURPOSES.

The purposes of the Act are to—

(1) increase public safety by improving the effectiveness and efficiency of the Federal prison system, and to reduce the recidivism rates of Federal offenders;

(2) establish offender risk and needs assessment as the cornerstone of a more effective and efficient Federal prison system;

(3) implement a validated post-sentencing risk and needs assessment system that relies on dynamic risk factors to provide Federal prison officials with guidelines to address the individual criminogenic needs of Federal offenders, manage limited resources, and enhance public safety;

(4) enhance existing recidivism reduction programs and increase prison jobs and other productive activities by incentivizing Federal prisoners to reduce their individual risk of recidivism by successfully completing such programs, and by successfully maintaining such jobs and activities over time;

(5) reward all Federal prisoners who successfully complete evidence-based intervention and treatment programs, and maintain prison jobs and other productive activities, with the ability to earn and accrue time credits and additional privileges;

(6) reward Federal prisoners who successfully reduce their individual risk of recidivism by providing them with the ability to transfer into prerelease custody when they are reassessed as low risk and have earned sufficient time credits;

(7) expand the implementation of evidence-based intervention and treatment programs designed to reduce recidivism, including educational and vocational training programs, prison jobs, and other productive activities, to ensure that all Federal prisoners have access to them during their entire terms of incarceration;

(8) perform regular outcome evaluations of programs and interventions to assure that they are evidence-based and to suggest changes and enhancements based on the results; and

(9) assist the Department of Justice in addressing the underlying cost structure of the Federal prison system and ensure that the Department can continue to run our prisons safely and securely without compromising the scope or quality of the Department's many other critical law enforcement missions.

### SEC. 3. DUTIES OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General shall carry out this section in consultation with—

- (1) the Director of the Bureau of Prisons;
- (2) the Director of the Administrative Office of the United States Courts;
- (3) the Assistant Director for the Office of Probation and Pretrial Services;
- (4) the Chair of the United States Sentencing Commission;
- (5) the Director of the National Institute of Justice; and
- (6) the inspector general of the Department of Justice.

(b) DUTIES.—The Attorney General shall, in accordance with subsection (c)—

(1) develop an offender risk and needs assessment system in accordance with section 3621A of title 18, United States Code, as added by section 4 of this Act;

(2) develop recommendations regarding recidivism reduction programs and productive activities in accordance with section 5;

(3) conduct ongoing research and data analysis to determine—

(A) the best practices regarding the use of offender risk and needs assessment tools;

(B) the best available risk and needs assessment tools and the level to which they rely on dynamic risk factors that could be addressed and changed over time, and on measures of risk of recidivism, individual needs, and responsiveness to recidivism reduction programs;

(C) the most effective and efficient uses of such tools in conjunction with recidivism reduction programs, productive activities, incentives, and rewards; and

(D) which recidivism reduction programs are the most effective—

(i) for prisoners classified at different recidivism risk levels; and

(ii) for addressing the specific needs of individual prisoners;

(4) on a biennial basis, review the system required under paragraph (1) and the recommendations required under paragraph (2), using the research conducted under paragraph (3), to determine whether any revisions or updates should be made, and if so, make such revisions or updates;

(5) hold periodic meetings with the officials listed in subsection (a) at intervals to be determined by the Attorney General; and

(6) report to Congress in accordance with section 6.

(c) METHODS.—In carrying out the duties under subsection (b), the Attorney General shall—

(1) consult relevant interested individuals and entities; and

(2) make decisions using data that is based on the best available statistical and empirical evidence.

### SEC. 4. POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Subchapter C of chapter 229 of title 18, United States Code, is amended by inserting after section 3621 the following:

#### “§ 3621A. Post-sentencing risk and needs assessment system

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this sec-

tion, the Attorney General shall develop and release for use by the Bureau of Prisons an offender risk and needs assessment system, to be known as the ‘Post-Sentencing Risk and Needs Assessment System’, which shall provide risk and needs assessment tools (developed under subsection (b)) in order to—

“(1) classify the recidivism risk level of all prisoners as low, moderate, or high as part of the intake process, and ensure that low-risk prisoners are grouped with low-risk prisoners in all housing and assignment decisions;

“(2) assign covered prisoners to appropriate recidivism reduction programs or productive activities based on that classification, the specific criminogenic needs of the covered prisoner, and in accordance with subsection (c);

“(3) reassess the recidivism risk level of covered prisoners periodically using an appropriate reassessment tool, and reassign the covered prisoner to appropriate recidivism reduction programs or productive activities based on the revised classification, the specific criminogenic needs of the covered prisoner, and the successful completion of recidivism reduction programs in accordance with subsection (d); and

“(4) determine when a covered prisoner who has been classified as having a low recidivism risk level is qualified and eligible to transfer to prerelease custody in accordance with subsection (d).

“(b) RISK AND NEEDS ASSESSMENT TOOLS.—

“(1) IN GENERAL.—The Attorney General shall—

“(A) adapt the Federal Post Conviction Risk Assessment Tool developed and utilized by the Administrative Office of the United States Courts in order to develop suitable risk and needs assessment tools to be used under the System described under subsection (a) by using the research and data analysis required under section 3(b)(3) of the Federal Prison Reform Act of 2013 (in accordance with the methods required under section 3(c) of the Federal Prison Reform Act of 2013) to make the most effective and efficient tools to accomplish the assessments, assignments and reassessments described in paragraphs (1) through (4) of subsection (a); and

“(B) ensure that the risk and needs assessment tool to be used in the reassessments described in subsection (a)(3) measures indicators of progress and improvement, and of regression, including newly-acquired skills, attitude, and behavior changes over time.

“(2) USE OF EXISTING RISK AND NEEDS ASSESSMENT TOOLS PERMITTED.—In carrying out this subsection, the Attorney General may determine that—

“(A) other existing risk and needs assessment tools are sufficiently effective and efficient for the purpose of accomplishing the assessments and reassessments described in paragraphs (1) through (4) of subsection (a); and

“(B) the tools described in subparagraph (A) shall be used under the System instead of developing new tools.

“(3) VALIDATION ON PRISONERS.—In carrying out this subsection, the Attorney General shall statistically validate any tools that are selected for use under the System on the Federal prison population, or ensure that the tools have been so validated.

“(c) ASSIGNMENT OF RECIDIVISM REDUCTION PROGRAMS OR PRODUCTIVE ACTIVITIES.—The System shall provide guidance on the kind and amount of recidivism reduction programming or productive activities assigned for each classification of prisoner and shall provide—

“(1) that, after the end of the phase-in period described in section 3621(h)(3), the higher the risk level of a covered prisoner, the more recidivism reduction programming the covered prisoner shall participate in, accord-

ing to the covered prisoner's specific criminogenic needs;

“(2) that low, moderate, and high risk covered prisoners may be separated during programming in accordance with practices for effective recidivism reduction;

“(3) information on best practices concerning the tailoring of recidivism reduction programs to the specific criminogenic needs of each covered prisoner so as to best lower each covered prisoner's risk of recidivating;

“(4) that a covered prisoner who has been classified as low risk and without need of recidivism reduction programming shall participate in productive activities, including prison jobs, in order to remain classified as low risk;

“(5) that a covered prisoner who successfully completes all recidivism reduction programming to which the covered prisoner was assigned shall participate in productive activities, including a prison job; and

“(6) that each covered prisoner shall participate in and successfully complete recidivism reduction programming or productive activities, including prison jobs, throughout the entire term of incarceration of the covered prisoner.

“(d) RECIDIVISM REDUCTION PROGRAM AND PRODUCTIVE ACTIVITY INCENTIVES AND REWARDS.—The System shall provide the following incentives and rewards to covered prisoners that have successfully completed recidivism reduction programs and successfully completed productive activities:

“(1) FAMILY PHONE AND VISITATION PRIVILEGES.—A covered prisoner who has successfully completed a recidivism reduction program or a productive activity shall receive, for use with family (including extended family), close friends, mentors, and religious leaders—

“(A) up to 30 minutes per day, and up to 900 minutes per month that the covered prisoner is permitted to use the phone; and

“(B) additional time for visitation at the penal or correctional facility in which the covered prisoner is imprisoned, as determined by the person in charge of the penal or correctional facility.

“(2) TIME CREDITS.—

“(A) IN GENERAL.—A covered prisoner who has successfully completed a recidivism reduction program or productive activity shall receive time credits as follows:

“(i) LOW RISK.—A covered prisoner who has been classified as having a low risk of recidivism shall earn 30 days of time credits for each period of 30 days during which the covered prisoner has participated in a recidivism reduction program or productive activity that the covered prisoner has successfully completed.

“(ii) MODERATE RISK.—A covered prisoner who has been classified as having a moderate risk of recidivism shall earn 15 days of time credits for each period of 30 days during which the covered prisoner has participated in a recidivism reduction program or productive activity that the covered prisoner has successfully completed.

“(iii) HIGH RISK.—A covered prisoner who has been classified as having a high risk of recidivism shall earn 8 days of time credits for each period of 30 days during which the covered prisoner has participated in a recidivism reduction program or productive activity that the covered prisoner has successfully completed.

“(B) AVAILABILITY.—A covered prisoner may not receive time credits under this paragraph for a recidivism reduction program or productive activity that the covered prisoner has successfully completed—

“(i) before the date of the enactment of this section; or

“(ii) during official detention before the date on which the covered prisoner’s sentence commences under section 3585(a).

“(C) PRERELEASE CUSTODY.—

“(i) IN GENERAL.—A covered prisoner who is classified as having a low risk of recidivism, who has earned time credits in an amount that is equal to the remainder of the covered prisoner’s imposed term of imprisonment, and who the person in charge of the penal or correctional facility in which the covered prisoner is imprisoned determines is otherwise qualified for prerelease custody, shall be eligible to be transferred into prerelease custody in accordance with section 3624(c)(3).

“(ii) GUIDELINES.—The System shall include guidelines, for use by the Bureau of Prisons and the Office of Probation and Pretrial Services, for prisoners placed in halfway houses or home confinement under section 3624(c)(3), for different levels of supervision, requirements and consequences based on the prisoner’s conduct, including electronic monitoring, work, community service, crime victim restoration activities, sanctions and a return to prison with a reassessment of recidivism risk level under the System as a result of certain behavior, which shall be consistent with a structured sanctions model that consistently and swiftly punishes violations and uses mild sanctions in order to improve compliance and success rates and reduce recidivism rates.

“(D) INELIGIBLE PRISONERS.—A covered prisoner shall be ineligible to receive time credits under this section if the covered prisoner—

“(i) has been convicted of any Federal crime of terrorism, as that term is defined under section 2332b(g)(5);

“(ii) is detained on any charge related to a Federal crime of terrorism, as that term is defined under section 2332b(g)(5);

“(iii) has been convicted of a Federal crime under section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326(a)), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section;

“(iv) has been convicted of any Federal crime of violence, as that term is defined under section 16;

“(v) has been convicted of any Federal sex crime, as that term is defined under section 3509;

“(vi) has been convicted of any Federal crime involving child exploitation, as that term is defined under section 2 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17601); or

“(vii) has been convicted of more than 2 Federal crimes arising from more than 1 course of conduct.

“(3) RISK ASSESSMENTS AND LEVEL ADJUSTMENT.—A covered prisoner who has successfully completed recidivism reduction programming or successfully completed productive activities shall receive periodic risk reassessments with an appropriate reassessment tool (with high and moderate risk level covered prisoners receiving more frequent risk reassessments), and if the reassessment shows that the covered prisoner’s risk level or specific needs have changed, the Bureau of Prisons shall update the covered prisoner’s risk level or information regarding the covered prisoner’s specific needs and reassign the covered prisoner to appropriate recidivism reduction programs or productive activities based on such changes, and provide the applicable time credits to the covered prisoner.

“(4) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a covered prisoner may be eligible, except that a cov-

ered prisoner shall not be eligible for the time credits described in (2) if that covered prisoner has accrued time credits under another provision of law based solely upon participation in, or successful completion of, such program.

“(e) PENALTIES.—The System shall provide guidelines for the Bureau of Prisons to reduce rewards earned under subsection (d) for covered prisoners who violate the rules of the penal or correctional facility in which the covered prisoner is imprisoned, a recidivism reduction program, or a productive activity, which shall provide—

“(1) general levels of violations and resulting reward reductions;

“(2) that any reward reduction that includes the forfeiture of time credits shall be limited to time credits that a covered prisoner earned as of the date of the covered prisoner’s rule violation, and not applicable to any subsequent credits that the covered prisoner may earn; and

“(3) guidelines for the Bureau of Prisons to establish a procedure to restore time credits that a covered prisoner forfeited as a result of a rule violation based on the covered prisoner’s individual progress after the date of the rule violation.

“(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop training protocols and programs for Bureau of Prisons officials and employees responsible for administering the System, which shall include—

“(1) initial training to educate employees and officials on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

“(2) continuing education; and

“(3) periodic training updates.

“(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting periodic audits of Bureau of Prisons facilities regarding the use of the System, and shall ensure the development of risk and needs indicators and measurement processes that are both reliable and valid.

“(h) DETERMINATIONS AND CLASSIFICATIONS UNREVIEWABLE.—There shall be no right of review, right of appeal, cognizable property interest, or cause of action, either administrative or judicial, arising from any determination or classification made by any Federal agency or employee while implementing or administering the System, or any rules or regulations promulgated under this section.

“(i) DEFINITIONS.—In this section:

“(1) COVERED PRISONER.—The term ‘covered prisoner’ means a prisoner who is not ineligible to receive time credits under this section pursuant to subsection (d)(2)(D).

“(2) PRISONER.—The term ‘prisoner’ means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense.

“(3) PRODUCTIVE ACTIVITY.—The term ‘productive activity’—

“(A) means a group or individual activity, including participation in a job as part of a prison work program, that is designed to allow prisoners classified as having a low risk of recidivism to remain productive and thereby maintain a low risk classification; and

“(B) may include the delivery of the activities described in paragraph (4)(C) to other prisoners.

“(4) RECIDIVISM REDUCTION PROGRAM.—The term ‘recidivism reduction program’ means a group or individual activity that—

“(A) has been shown by empirical evidence to reduce recidivism;

“(B) is designed to help prisoners succeed in their communities upon release from prison; and

“(C) may include—

“(i) classes on social learning and life skills;

“(ii) classes on morals or ethics;

“(iii) academic classes;

“(iv) cognitive behavioral treatment;

“(v) mentoring;

“(vi) substance abuse treatment;

“(vii) vocational training;

“(viii) faith-based classes or services;

“(ix) victim-impact classes, victim-offender dialogue, or other restorative justice programs; and

“(x) a prison job.

“(5) RISK AND NEEDS ASSESSMENT TOOL.—The term ‘risk and needs assessment tool’ means an objective and statistically validated method through which information is collected and evaluated to determine—

“(A) the level of risk that a prisoner will recidivate upon release from prison; and

“(B) the recidivism reduction programs that will best minimize or reduce the risk that a particular prisoner will recidivate upon release from prison.

“(6) SUCCESSFULLY COMPLETED.—The term ‘successfully completed’—

“(A) means that—

“(i) as determined by the person in charge of the penal or correctional facility of the Bureau of Prisons in which the covered prisoner is imprisoned, that the covered prisoner—

“(I) regularly attended the recidivism reduction program or productive activity;

“(II) actively engaged and participated in the recidivism reduction program or productive activity;

“(III) completed all assignments or tasks in a manner that has allowed the covered prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity;

“(IV) did not regularly engage in disruptive behavior that seriously undermined the administration of a recidivism reduction program or productive activity; and

“(V) satisfied the requirements of subclauses (I) through (IV) for a time period that has allowed the covered prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity; and

“(ii) the covered prisoner satisfied the requirements of subparagraph (A) for a time period of not less than 30 days; and

“(B) shall not be construed to mean that the covered prisoner is no longer participating in the particular recidivism reduction program or productive activity, if—

“(i) the covered prisoner has satisfied the requirements of clause (i) and (ii) of subparagraph (A); and

“(ii) the recidivism reduction program or productive activity will continue to help the covered prisoner to further reduce risk level of the covered prisoner, or maintain the risk level of the covered prisoner.

“(7) SYSTEM.—The term ‘System’ means the Post-Sentencing Risk and Needs Assessment System established under subsection (a).

“(8) TIME CREDIT.—The term ‘time credit’ means the equivalent of 1 day of a prisoner’s sentence, such that a prisoner shall be eligible for 1 day of prerelease custody for each credit earned.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 229 of title 18, United States Code, is amended by inserting after the item relating to section 3621 the following:

“3621A. Post-sentencing risk and needs assessment system.”

**SEC. 5. RECIDIVISM REDUCTION PROGRAM AND PRODUCTIVE ACTIVITY RECOMMENDATIONS.**

The Attorney General shall—

(1) review the effectiveness of recidivism reduction programs and productive activities, including prison jobs, that exist as of the date of the enactment of this Act in facilities operated by the Bureau of Prisons;

(2) review available information regarding the effectiveness of recidivism reduction programs and productive activities, including prison jobs, that exist in State-operated prisons throughout the United States, provided that the Attorney General shall make no rule or regulation requiring any State government to provide information for, or participate in, such review;

(3) conduct or fund research to evaluate established programs offered through organizations that do not rely on Federal funding in order to demonstrate the effectiveness of such programs in reducing recidivism;

(4) identify the most effective recidivism reduction programs that are evidence-based;

(5) survey all Federal agencies to determine which products purchased by the agencies could be manufactured by prisoners participating in a prison work program without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons; and

(6) make recommendations to the Bureau of Prisons regarding—

(A) replication of the most effective recidivism reduction programs that are evidence-based;

(B) the expansion of effective, evidence-based recidivism reduction programming capacity;

(C) the expansion of productive activities, including prison jobs; and

(D) the addition of any new effective programs and activities that the Attorney General finds, using the methods described in section 3(c), would help to reduce recidivism.

#### SEC. 6. REPORTS.

(a) **ANNUAL REPORTS.**—Not later than January 1, 2015, and every January 1 thereafter, the Attorney General, in consultation with the inspector general of the Department of Justice, shall submit to the appropriate committees of Congress a report that contains the following:

(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act and the amendments made by this Act.

(2) An assessment of the status and use of the System by the Bureau of Prisons, including the number of prisoners classified at each risk level under the System at each facility of the Bureau of Prisons.

(3) A summary and assessment of the types and effectiveness of the recidivism reduction programs and productive activities in facilities operated by the Bureau of Prisons, including—

(A) evidence about which programs and activities have been shown to reduce recidivism;

(B) the capacity of each program and activity at each facility, including the number of prisoners along with the risk level of each prisoner enrolled in each program and activity; and

(C) identification of any problems or shortages in capacity of such programs and activities, and how these should be remedied.

(4) An assessment of the Bureau of Prisons' compliance with section 3621(h) of title 18, United States Code, as added by section 7 of this Act.

(5) An assessment of progress made toward carrying out the purposes of this Act, including any savings associated with—

(A) the transfer of low risk prisoners into prerelease custody under this Act and the amendments made by this Act; and

(B) any decrease in recidivism that may be attributed to the implementation of the Sys-

tem or the increase in recidivism reduction programs and productive activities required by this Act and the amendments made by this Act.

(b) **PRISON WORK PROGRAMS REPORT.**—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Bureau of Prisons, shall submit to the appropriate committees of Congress a report on the status of prison work programs at facilities operated by the Bureau of Prisons, including—

(1) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons;

(2) an assessment of the feasibility of expanding such programs, consistent with the strategy required under paragraph (1), so that, not later than 5 years after the date of enactment of this Act, not less than 75 percent of eligible low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

(3) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals in paragraphs (1) and (2).

(c) **SAVINGS REPORTS.**—Not later than 180 days after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit to the appropriate committees of Congress a report containing—

(1) an analysis of current and projected savings associated with this Act and the amendments made by this Act; and

(2) a strategy to reinvest a portion of such savings into expansions of recidivism reduction programs and productive activities, including prison work programs, by the Bureau of Prisons.

#### SEC. 7. USE OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) **IMPLEMENTATION OF SYSTEM GENERALLY.**—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

“(h) **POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.**—

“(1) **DEFINITIONS.**—In this section, the terms ‘covered prisoner’, ‘prisoner’, ‘productive activity’, ‘recidivism reduction program’, ‘risk and needs assessment tool’, ‘successfully completed’, ‘System’, and ‘time credit’ have the meanings given such terms in section 3621A.

“(2) **IMPLEMENTATION.**—Not later than 180 days after the Attorney General develops and releases the System, the Bureau of Prisons shall—

“(A) implement the System and complete a risk and needs assessment for each prisoner, regardless of the prisoner's length of imposed term of imprisonment; and

“(B) expand the effective recidivism reduction programs and productive activities offered by the Bureau of Prisons and add any new recidivism reduction program or productive activity necessary to effectively implement the System, in accordance with the recommendations made by the Attorney General under section 5 of the Federal Prison Reform Act of 2013 and with paragraph (3).

“(3) **PHASE-IN.**—In order to carry out paragraph (2), so that every covered prisoner has the opportunity to complete the kind and amount of recidivism reduction programming the covered prisoner is assigned or participate in productive activities in order to effectively implement the System and that is recommended by the Attorney General, the Bureau of Prisons shall, subject to the availability of appropriations, develop and operate such recidivism reduction programs and productive activities—

“(A) for not less than 20 percent of covered prisoners by the date that is 1 year after the

date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (2)(A);

“(B) for not less than 40 percent of covered prisoners by the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (2)(A);

“(C) for not less than 60 percent of covered prisoners by the date that is 3 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (2)(A);

“(D) for not less than 80 percent of covered prisoners by the date that is 4 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (2)(A); and

“(E) for all covered prisoners by the date that is 5 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A) and thereafter.

“(4) **PRIORITY DURING PHASE-IN.**—During the phase-in period described in paragraph (3), the priority for such programs and activities shall be accorded based on, in order, the following:

“(A) **RECIDIVISM RISK LEVEL.**—The recidivism risk level of covered prisoners (as determined using a risk and needs assessment tool under the system), with low risk covered prisoners receiving first priority, moderate risk covered prisoners receiving second priority, and high risk covered prisoners receiving last priority.

“(B) **RELEASE DATE.**—Within each such risk level, a covered prisoner's proximity to release date.

“(5) **PRELIMINARY EXPANSION OF RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.**—On and after the date of enactment of the Federal Prison Reform Act of 2013, the Bureau of Prisons may—

“(A) expand any recidivism reduction program or productive activity in effect at a facility of the Bureau of Prisons as of such date; and

“(B) offer to a covered prisoner who has successfully completed such programming and activities the incentives and rewards described in—

“(i) section 3621A(d)(1); and

“(ii) section 3621A(d)(2)(A), except a covered prisoner may receive up to 30 days of time credits for each period of 30 days during which the covered prisoner participated in a recidivism reduction program or productive activity that the covered prisoner successfully completed, with the amount of time credits to be determined by the person in charge of the penal or correctional facility in which the covered prisoner is imprisoned.

“(6) **RECIDIVISM REDUCTION PARTNERSHIPS.**—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall issue regulations requiring the person in charge of each penal or correctional facility of the Bureau of Prisons to expand the availability of recidivism reduction programming and productive activities by entering into partnerships with each of the following:

“(A) Nonprofit organizations, including faith-based and community-based organizations, that will deliver recidivism reduction programming in the facility, on a paid or volunteer basis.

“(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) that will deliver academic classes in the facility, on a paid or volunteer basis.

“(C) Private entities that will, on a volunteer basis—

“(i) deliver vocational training and certifications in the facility;

“(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners; or

“(iii) employ prisoners; or

“(iv) assist prisoners in prerelease custody or supervised release in finding employment.

“(7) **PENALTIES.**—Effective on January 1, 2015, and every January 1 thereafter, if the most recent report submitted by the Attorney General under section 6(a) of the Federal Prison Reform Act of 2013 indicates that the Bureau of Prisons has failed to implement the System or complete a risk and needs assessment for each prisoner, or has failed to expand the recidivism reduction programs and productive activities offered by the Bureau of Prisons and add any new recidivism reduction programs and productive activities necessary to effectively implement the System, in accordance with paragraphs (2) through (6), the amount available for the then current fiscal year for salaries and expenses for the Central Office (Headquarters) of the Bureau of Prisons shall be reduced to the amount equal to 95 percent of the amount available for such salaries and expenses for the most recent fiscal year (including any reduction under this paragraph).”

(b) **PRERELEASE CUSTODY.**—

(1) **IN GENERAL.**—Section 3624(c) of title 18, United States Code, is amended—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(B) by inserting after paragraph (2) the following:

“(3) **PRISONERS WITH A LOW RISK OF RECIDIVATING.**—

“(A) **DEFINITIONS.**—In this paragraph—

“(i) the term ‘qualified prisoner’ means a prisoner who has—

“(I) been classified under the System as having a low risk of recidivating; or

“(II) earned time credits in an amount that is equal to the remainder of the prisoner’s imposed term of imprisonment; and

“(III) been classified by the person in charge of the penal or correctional facility of the Bureau of Prisons in which the prisoner is imprisoned as otherwise qualified to be transferred into prerelease custody; and

“(ii) the terms ‘prisoner’, ‘System’, and ‘time credit’ have the meanings given such terms in section 3621A.

“(B) **RECOMMENDATION.**—The person in charge of the penal or correctional facility of the Bureau of Prisons in which a qualified prisoner is imprisoned shall submit a recommendation, with a statement of the rationale and all supporting documentation, including the qualified prisoner’s full behavioral record, that the qualified prisoner be transferred into prerelease custody to the United States district court in which the qualified prisoner was convicted, and a judge for such court shall, not later than 60 days after the submission of the recommendation, approve or deny such recommendation.

“(C) **STANDARD.**—A judge may only deny a recommendation to transfer a qualified prisoner into prerelease custody under this paragraph if the judge finds by a preponderance of the evidence that the qualified prisoner should not be transferred into prerelease custody based only on evidence of the actions of the qualified prisoner after the conviction of the qualified prisoner, including the behavioral record of the qualified prisoner, and not based on evidence from the underlying conviction.

“(D) **FAILURE TO RULE.**—The failure of a judge to approve or deny a recommendation to transfer at the end of the 60 day period described in subparagraph (B) shall be deemed as an approval of such recommendation.

“(E) **APPROVAL.**—If a recommendation relating to a qualified prisoner is approved

under subparagraph (B) or deemed approved under subparagraph (D)—

“(i) the qualified prisoner shall be placed in a halfway house or sent to home confinement, if that qualified prisoner will be able to stay in a residence approved by the person in charge of the penal or correctional facility of the Bureau of Prisons in which a qualified prisoner is imprisoned; and

“(ii) the time limits under paragraphs (1) and (2) shall not apply.

“(F) **SUPERVISION.**—

“(i) **IN GENERAL.**—The Director of the Bureau of Prisons, in conjunction with the Assistant Director for the Office of Probation and Pretrial Services, shall ensure that a qualified prisoner placed in home confinement under subparagraph (E) shall be supervised by probation officers and remain in home confinement until the qualified prisoner has served not less than 85 percent of the imposed term of imprisonment of the qualified prisoner.

“(ii) **HOME CONFINEMENT SUPERVISION SYSTEM.**—The Assistant Director for the Office of Probation and Pretrial Services shall implement a home confinement supervision system for all qualified prisoners placed in prerelease custody pursuant to transfers awarded under this paragraph that shall—

“(I) use the most cost-effective electronic monitoring systems available, which shall be procured using a competitive bidding process; and

“(II) be adapted to the best practices of State criminal justice systems using electronically monitored home confinement as an alternative to incarceration; and

“(III) allow probation officers to continuously monitor the locational status of each qualified prisoner placed in home confinement pursuant to a transfer awarded under this paragraph; and

“(IV) not exceed a cost, including administrative expenses, of \$16 per day per qualified prisoner in home confinement pursuant to a transfer awarded under this paragraph.

“(G) **LEVEL OF SUPERVISION.**—The person in charge of the penal or correctional facility of the Bureau of Prisons in which a qualified prisoner is imprisoned or a probation officer shall use the guidelines developed by the Attorney General under section 3621A(d)(2)(C) to determine the level of supervision and consequences for certain actions for a qualified prisoner transferred into prerelease custody under this paragraph.

“(H) **MENTORING SERVICES.**—Any person that provided mentoring services to a qualified prisoner placed in a halfway house or in home confinement while the qualified prisoner was in a penal or correctional facility of the Bureau of Prisons shall be permitted to continue such services after the qualified prisoner has been transferred into prerelease custody, unless the person in charge of the penal or correctional facility of the Bureau of Prisons demonstrates, in a written document submitted to the person, that such services would be a significant security risk to the qualified prisoner, persons who provide such services, or any other person.

“(I) **DETERMINATIONS AND CLASSIFICATIONS UNREVIEWABLE.**—There shall be no right of review, right of appeal, cognizable property interest, or cause of action, either administrative or judicial, arising from any determination or classification made under this paragraph, or any rules or regulations promulgated under this paragraph.”

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply on and after the date on which the Attorney General implements the System.

## SEC. 8. DEFINITIONS.

In this Act:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate; and

(B) the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(2) **COVERED PRISONER.**—The term “covered prisoner” means a prisoner who is not ineligible to receive time credits under section 3621A of title 18, United States Code pursuant to subsection (d)(2)(D) of such section.

(3) **PRISONER.**—The term “prisoner” means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense.

(4) **PRODUCTIVE ACTIVITY.**—The term “productive activity”—

(A) means a group or individual activity, including participation in a job as part of a prison work program, that is designed to allow prisoners classified as having a low risk of recidivism to remain productive and thereby maintain a low risk classification; and

(B) may include the delivery of the activities described in paragraph (5)(C) to other prisoners.

(5) **RECIDIVISM REDUCTION PROGRAM.**—The term “recidivism reduction program” means a group or individual activity that—

(A) has been shown by empirical evidence to reduce recidivism; and

(B) is designed to help prisoners succeed in their communities upon release from prison; and

(C) may include—

- (i) classes on social learning and life skills;
- (ii) classes on morals or ethics;
- (iii) academic classes;
- (iv) cognitive behavioral treatment;
- (v) mentoring;
- (vi) substance abuse treatment;
- (vii) vocational training;
- (viii) faith-based classes or services;
- (ix) victim-impact classes, victim-offender dialogue, or other restorative justice programs; and

(x) a prison job.

(6) **RISK AND NEEDS ASSESSMENT TOOL.**—The term “risk and needs assessment tool” means an objective and statistically validated method through which information is collected and evaluated to determine—

(A) the level of risk that a prisoner will recidivate upon release from prison; and

(B) the recidivism reduction programs that will best minimize or reduce the risk that a particular prisoner will recidivate upon release from prison.

(7) **SUCCESSFULLY COMPLETED.**—The term “successfully completed”—

(A) means that—

(i) as determined by the person in charge of the penal or correctional facility of the Bureau of Prisons in which the covered prisoner is imprisoned, that the covered prisoner—

(I) regularly attended the recidivism reduction program or productive activity; and

(II) actively engaged and participated in the recidivism reduction program or productive activity; and

(III) completed all assignments or tasks in a manner that has allowed the covered prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity; and

(IV) did not regularly engage in disruptive behavior that seriously undermined the administration of a recidivism reduction program or productive activity; and

(V) satisfied the requirements of subclauses (I) through (IV) for a time period that has allowed the covered prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity; and

(ii) the covered prisoner satisfied the requirements of subparagraph (A) for a time period of not less than 30 days; and

(B) shall not be construed to mean that the covered prisoner is no longer participating in the particular recidivism reduction program or productive activity, if—

(i) the covered prisoner has satisfied the requirements of clause (i) and (ii) of subparagraph (A); and

(ii) the recidivism reduction program or productive activity will continue to help the covered prisoner to further reduce risk level of the covered prisoner, or maintain the risk level of the covered prisoner.

(8) **SYSTEM.**—The term “System” means the Post-Sentencing Risk and Needs Assessment System established under section 3621A of title 18, United States Code, as added by section 4 of this Act.

(9) **TIME CREDIT.**—The term “time credit” means the equivalent of 1 day of a prisoner’s sentence, such that a prisoner shall be eligible for 1 day of prerelease custody for each credit earned.

By Mr. WYDEN:

S. 1784. A bill to improve timber management on Oregon and California Railroad and Coos Bay Wagon Road grant land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce a bill to end the gridlock on the Oregon and California, O&C, lands and secure a new future. I recently unveiled my legislation in Oregon alongside Governor Kitzhaber, premier forest scientists, and a cross-section of supporters from timber, county, collaborative group and environmental interests. With the introduction of this bill, I look forward to working with supporters and interested parties, as well as the entire Oregon delegation, to end decades of uncertainty and broken forest policy with a science-driven solution.

The 2.1 million acres of O&C grant lands have a history known too well by Oregonians. After the Oregon and California Railroad violated the terms of its land grant, Congress revested the lands to federal ownership in 1916. In 1937, Congress directed how the Department of the Interior was to manage these lands and laid out a formula for distributing timber receipts to the 18 Oregon counties with O&C lands. The high logging harvests of the 1980s made way for the spotted owl timber wars, and today the lands are ground zero for the battle between those seeking to halt logging in the Northwest and those seeking to return to the unsustainable logging levels of a bygone era.

My bill ends the O&C gridlock by using science to guide management of the O&C lands while upholding bedrock federal environmental laws. This bill provides the jobs that Oregonians need, certainty of timber supply that timber companies require, and continued environmental protections that our treas-

ures deserve. It is legislation that I believe can pass both houses of Congress and be signed by the President.

The first step the bill takes is to divide the O&C lands—with roughly half set aside for forestry emphasis and the other half for conservation emphasis—to put a stop to the uncertainty and conflicting priorities that have contributed to Federal management failure on these lands and produce wins on both sides of the historic timber conflict. The forestry emphasis lands will employ proven forestry practices, known as “ecological forestry,” to mimic natural processes and create healthier, more diverse forests. Modeling using Bureau of Land Management analysis confirms that ecological forestry will roughly double the harvest on O&C lands compared to the last 10 years, meaning more jobs for rural Oregon.

On the conservation side, my bill protects nearly a million acres of land, while designating wilderness lands, wild and scenic rivers, and other special areas. It creates 87,000 acres of wilderness and 165 miles of wild and scenic rivers. In all, it will permanently conserve nearly a million acres of O&C lands, which would be the single biggest increase in Oregon’s conservation lands in decades. That includes special areas protected for recreation, which is an increasingly important part of our rural economy, and is responsible for 141,000 jobs in Oregon alone. Perhaps the most important conservation win in the bill is the first-ever legislative protection for old growth trees and stands on O&C lands.

This strategy of dividing the lands into conservation and timber emphasis and protecting old growth takes the most controversial harvests off the table. Timber harvests and thinning projects must protect water quality, highly erodible land, wetlands, endangered or threatened species, and tribal cultural sites. Mills and timber companies that rely on federal forests will have new certainty of a sustainable yield from the harvested lands. This bill upholds the Endangered Species Act and other bedrock environmental laws while providing expedited procedures and strict timelines for legal and environmental reviews. Two large scale environmental impact statements—one each for moist and dry forests—will study 10 years of work in the woods, rather than a single project. Anyone with concerns will have a chance to sue over those studies, but once the environmental review is approved, any timber sale consistent with the 10-year study can go ahead, without triggering a new legal stumbling block or procedural boulder that brings everything to a stop.

Above all, forest policy should be dictated by science, not lawyers. The forestry principles used in this bill are based on the work of Drs. Norm Johnson and Jerry Franklin, two respected Northwest forestry scientists, and built off of forestry approaches used around

the globe. The bill also establishes the first ever legislative protections for O&C streams thanks in large part to the work of one of the Northwest’s foremost water resources experts, Dr. Gordon Reeves. The Northwest Forest Plan’s stream protections are extended to key watersheds and four drinking water emphasis areas, with additional lands designated for conservation, to protect drinking water. Science also guides how the agency can treat trees near streams and a scientific committee will evaluate stream buffers and reserves in areas dedicated to timber harvests, increasing or decreasing the boundaries as needed to address the ecological importance of streams. This acknowledges that one size does not fit all.

The bill also creates new tools to reduce fire danger in the dry forests of Southern Oregon. In areas that have grown prone to catastrophic fires, this bill reduces tree density and provides new tools for treating forest lands near residences. For the first time, county governments will have the flexibility to reduce fire danger within a quarter mile of homes, and private landowners can more easily protect against fire within 100 feet of their own homes.

The O&C solution that I present today will indeed secure a new future for the O&C lands. Management will be based on science, not lawyers. Counties will be able to count on dependable forest revenues. Communities will have steady jobs, and mill’s timber to process, in place of a struggle to survive. My bill certainly doesn’t provide everything all sides want, but it can get everyone what they need. I look forward to working with Congressmen DEFAZIO, WALDEN and SCHRADER and our colleagues in the Senate and House of Representatives to pass an O&C solution into law.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 312—CALLING ON THE GOVERNMENT OF IRAN TO FULFILL THEIR PROMISES OF ASSISTANCE IN THIS CASE OF ROBERT LEVINSON, ONE OF THE LONGEST HELD UNITED STATES CIVILIANS IN OUR NATION’S HISTORY

Mr. NELSON (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 312

Whereas United States citizen Robert Levinson is a retired agent of the Federal Bureau of Investigation (FBI), a resident of Coral Springs, Florida, the husband of Christine Levinson, and father of their 7 children;

Whereas Robert Levinson traveled from Dubai to Kish Island, Iran, on March 8, 2007;

Whereas, after traveling to Kish Island and checking into the Hotel Maryam, Robert Levinson disappeared on March 9, 2007;

Whereas, in December 2007, Robert Levinson’s wife, Christine, traveled to Kish Island to retrace Mr. Levinson’s steps and