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Brady (PA)
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Green, Gene
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Ryan (OH)
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Upton
Valadao
Vargas
Veasey
Velázquez
Visclosky
Walberg
Watson Coleman
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Wittman
Woodall
Yoder
Young (AK)
Zeldin

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Tonko

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Black
Brown (MD)
Cleaver
DesJarlais
Deutch
Frelinghuysen
Gabbard
Gaetz
Garamendi
Grijalva
Grothman
Higgins (LA)
Hoyer
Loebsack
Norcross
O'Rourke
Pearce
Pingree
Pittenger
Ratcliffe
Rogers (KY)
Speier
Stivers
Walz
Williams
Yoho

□ 1301

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DesJARLAIS. Due to a family emergency, I was unable to be present for votes on roll No. 210, roll No. 211 and roll No. 212 on May 22, 2018. Had I been present, I would have voted "yes" on all three.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

FORMERLY INCARCERATED REENTER SOCIETY TRANSFORMED SAFELY TRANSITIONING EVERY PERSON ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5682) to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. R. 5682

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act'' or the ''FIRST STEP Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—RECIDIVISM REDUCTION

SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.

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

''SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

''§ 3631. Duties of the Attorney General

''(a) IN GENERAL.—The Attorney General shall carry out this subchapter 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 Director of the Office of Probation and Pretrial Services;

''(4) the Director of the National Institute of Justice; and

''(5) the Director of the National Institute of Corrections.

''(b) DUTIES.—The Attorney General shall—

''(1) conduct a review of the existing prisoner risk and needs assessment systems in operation on the date of the enactment of the FIRST STEP Act;

''(2) develop recommendations regarding evidence-based recidivism reduction programs and productive activities in accordance with section 3633;

''(3) conduct ongoing research and data analysis on—

''(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

''(B) the most effective and efficient uses of such programs;

''(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

''(D) products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States;

''(4) on an annual basis, review and validate the risk and needs assessment system, which review shall include—

''(A) any subsequent changes to the risk and needs assessment system made after the date of the enactment of this subchapter;

''(B) the recommendations developed under paragraph (2), using the research conducted under paragraph (3);

''(C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress, and of regression that are dynamic and that can reasonably be expected to change while in prison;

''(D) statistical validation of any tools that the risk and needs assessment system uses; and

''(E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates;

''(5) make any revisions or updates to the risk and needs assessment system that the Attorney General determines appropriate pursuant to the review under paragraph (4), including updates to ensure that any disparities identified in paragraph (4)(E) are reduced to the greatest extent possible; and

''(6) report to Congress in accordance with section 3634.

''§ 3632. Development of risk and needs assessment system

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the FIRST STEP Act, the Attorney General shall develop and release a risk and needs assessment system (referred to in this subchapter as the 'System'), which shall be used to—

''(1) determine the recidivism risk of each prisoner as part of the intake process, and classify each prisoner as having minimum, low, medium, or high risk for recidivism;

''(2) assess and determine, to the extent practicable, the risk of violent or serious misconduct of each prisoner;

''(3) determine the type, amount, and intensity of evidence-based recidivism reduction programs that are appropriate for each prisoner and assign each prisoner to such programs accordingly, and based on the prisoner's specific criminogenic needs, and in accordance with subsection (b);

''(4) reassess the recidivism risk of each prisoner periodically and reassign the prisoner to appropriate evidence-based recidivism reduction programs or productive activities based on the revised determination to ensure that—

''(A) all prisoners at each risk level have a meaningful opportunity to reduce their classification during the period of incarceration;

''(B) to address the specific criminogenic needs of the prisoner; and

''(C) all prisoners are able to successfully participate in such programs;

''(5) determine when to provide incentives and rewards for successful participation in evidence-based recidivism reduction programs or productive activities in accordance with subsection (e); and

''(6) determine when a prisoner is ready to transfer into prerelease custody in accordance with section 3624(c).

In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate.

''(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS.—The System shall provide guidance on the type, amount, and intensity of evidence-based recidivism reduction programming and productive activities that shall be assigned for each prisoner, including—

''(1) programs in which the Bureau of Prisons shall assign the prisoner to participate, according to the prisoner's specific criminogenic needs; and

''(2) information on the best ways that the Bureau of Prisons can tailor the programs to the specific criminogenic needs of each prisoner so as to most effectively lower each prisoner's risk of recidivism.

''(c) HOUSING AND ASSIGNMENT DECISIONS.—The System shall provide guidance on program grouping and housing assignment determinations and, after accounting for the safety of each prisoner and other individuals at the prison, provide that prisoners with a similar risk level be grouped together in housing and assignment decisions to the extent practicable.

''(d) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES REWARDS.—The System shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

''(1) PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive—

''(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

''(B) additional time for visitation at the prison, as determined by the warden of the prison.

''(2) TRANSFER TO INSTITUTION CLOSER TO RELEASE RESIDENCE.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to—

''(A) bed availability at the transfer facility;

''(B) the prisoner's security designation; and

''(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request.

''(3) ADDITIONAL POLICIES.—The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming. Such incentives shall include not less than two of the following:

''(A) Increased commissary spending limits and product offerings.

''(B) Extended opportunities to access the email system.

''(C) Consideration of transfer to preferred housing units (including transfer to different prison facilities).

''(D) Other incentives solicited from prisoners and determined appropriate by the Director.

''(4) TIME CREDITS.—

''(A) IN GENERAL.—A prisoner, except for an ineligible prisoner under subparagraph (D), who successfully completes evidence-based recidivism reduction programming or productive activities, shall earn time credits as follows:

''(i) A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over two consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(B) AVAILABILITY.—A prisoner may not earn time credits under this paragraph for an evidence-based recidivism reduction program that the prisoner successfully completed—

''(i) prior to the date of the enactment of this Act;

''(ii) during official detention prior to the date that the prisoner's sentence commences under section 3585(a); or

''(iii) if that prisoner is an inadmissible or deportable alien under the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

''(C) APPLICATION OF TIME CREDITS TOWARD PRE-RELEASE CUSTODY.—Time credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities and who have been determined to be at minimum risk or low risk for recidivating pursuant to their last two reassessments shall be applied toward time in pre-release custody. The Director of the Bureau of Prisons shall transfer prisoners described in this subparagraph into prerelease custody, except that the Director of the Bureau of Prisons may deny such a transfer if the warden of the prison finds by clear and convincing evidence that the prisoner should not be transferred into prerelease custody based only on evidence of the prisoner's actions after the conviction of such prisoner and not based on evidence from the underlying conviction, and submits a detailed written statement regarding such finding to the Director of the Bureau of Prisons.

''(D) INELIGIBLE PRISONERS.—A prisoner is ineligible to receive time credits under this paragraph if the prisoner is serving a sentence for a conviction under any of the following provisions of law:

''(i) Section 113(a)(1), relating to assault with intent to commit murder.

''(ii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(iii) Any section of chapter 10, relating to biological weapons.

''(iv) Any section of chapter 11B, relating to chemical weapons.

''(v) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(vi) Section 793, relating to gathering, transmitting, or losing defense information.

''(vii) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(viii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(ix) Section 842(p), relating to distribution of information relating to explosive, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)(2) of such title).

''(x) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xi) Section 924(e), relating to unlawful possession of a firearm by a person with 3 or more convictions for a violent felony.

''(xii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xiii) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xiv) Any section of chapter 55, relating to kidnapping.

''(xv) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1592 through 1596.

''(xvi) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xvii) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xviii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xix) Section 2113(e), relating to bank robbery resulting in death.

''(xx) Section 2118(c)(2), relating to robberies and burglaries involving controlled substances resulting in death.

''(xxi) Section 2119(3), relating to taking a motor vehicle (commonly referred to as 'carjacking') that results in death.

''(xxii) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxiii) Any section of chapter 109A, relating to sexual abuse, except that with regard to section 2244, only a conviction under subsection (c) of that section (relating to abusive sexual contact involving young children) shall make a prisoner ineligible under this subparagraph.

''(xxiv) Section 2251, relating to the sexual exploitation of children.

''(xxv) Section 2251A, relating to the selling or buying of children.

''(xxvi) Any of paragraphs (1) through (3) of section 2252(a), relating to certain activities relating to material involving the sexual exploitation of minors.

''(xxvii) A second or subsequent conviction under any of paragraphs (1) through (6) of section 2252A(a), relating to certain activities relating to material constituting or containing child pornography.

''(xxviii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xxix) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xxx) Section 2284, relating to the transportation of terrorists.

''(xxxi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(xxxii) Any section of chapter 113B, relating to terrorism.

''(xxxiii) Section 2340A, relating to torture.

''(xxxiv) Section 2381, relating to treason.

''(xxxv) Section 2442, relating to the recruitment or use of child soldiers.

''(xxxvi) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(xxxvii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(xxxviii) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(xxxix) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(xl) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(xli) Section 60123(b) of title 49, United States Code, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance, but only in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(xliii) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), 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.

''(xliv) Any section of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.)

''(xlv) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(xlvi) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(xlvii) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than one year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than one year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(xlviii) Section 2118(c)(2) of title 18, United States Code, relating to robberies and burglaries involving controlled substances resulting in death.

''(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

''(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (e) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

''(1) general levels of violations and resulting reductions;

''(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

''(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation based on the prisoner's individual progress after the date of the rule violation.

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

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

''(2) continuing education;

''(3) periodic training updates; and

''(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

''(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 annual audits of the Bureau of Prisons regarding the use of the System.

''§ 3633. Evidence-based recidivism reduction program and recommendations

''Prior to releasing the System, the Attorney General shall—

''(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of the enactment of this subchapter in prisons operated by the Bureau of Prisons;

''(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

''(3) identify the most effective evidence-based recidivism reduction programs;

''(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

''(5) direct the Bureau of Prisons regarding—

''(A) evidence-based recidivism reduction programs;

''(B) the ability for faith-based organizations to function as a provider of educational evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

''(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

''§ 3634. Report

''Beginning on the date that is two years after the date of the enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce,

Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

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

''(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

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

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

''(C) identification of any gaps or shortages in capacity of such programs and activities.

''(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

''(A) The primary offense of conviction.

''(B) The length of the sentence imposed and served.

''(C) The Bureau of Prisons facility or facilities in which the prisoner's sentence was served.

''(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

''(E) The prisoner's assessed and reassessed risk of recidivism.

''(F) The productive activities that the prisoner successfully completed, if any.

''(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

''(A) 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, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

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

''(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

''(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

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

''(A) the transfer of prisoners into prerelease custody under section 3624(g) including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

''(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under chapter.

''(7) Recommendations for how to reinvest any savings into other Federal, State, and local law enforcement activities and evidence-based recidivism reduction programs in the Bureau of Prisons.

''§ 3635. Definitions

''In this subchapter the following definitions apply:

''(1) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

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

''(C) may include—

''(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

''(ii) family relationship building, structured parent-child interaction, and parenting skills;

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

''(ix) faith-based classes or services;

''(x) civic engagement and reintegrative community services;

''(xi) a prison job, including through a prison work program;

''(xii) victim impact classes or other restorative justice programs; and

''(xiii) trauma counseling and trauma-informed support programs.

''(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, or a person in the custody of the Bureau of Prisons.

''(3) 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 risk that a prisoner will recidivate upon release from prison; and

''(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison.

''(4) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''D. Risk and Needs Assessment System ..... 3631''.

SEC. 102. IMPLEMENTATION 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) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

''(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

''(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

''(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

''(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type, amount, and intensity of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

''(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before 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 (1)(A); and

''(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

''(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

''(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of the enactment of the FIRST STEP Act, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

''(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

''(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming 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 instruction on a paid or volunteer basis.

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

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

''(iii) employ prisoners; or

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

''(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

''(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs,

throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium risk and high risk prisoners, with access to productive activities given to minimum risk and low risk prisoners.

''(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.''.

(b) PRERELEASE CUSTODY.—

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

(A) in subsection (b)(1)—

(i) by striking '', beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term,'' and inserting ''of up to 54 days for each year of the prisoner's sentence imposed by the court,'';

(ii) by striking ''credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence'' and inserting ''credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment''; and

(B) by adding at the end the following:

''(g) PRERELEASE CUSTODY FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

''(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

''(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

''(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

''(C) has been classified by the warden of the prison as otherwise qualified to be transferred into prerelease custody; and

''(D)(i) has been determined under the System to be a minimum or low risk to recidivate; or

''(ii) has had a petition to be transferred to prerelease custody approved by the warden of the prison, after the warden's determination that—

''(I) the prisoner would not be a danger to society if transferred to prerelease custody;

''(II) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities;

''(III) the prisoner is unlikely to recidivate; and

''(IV) the transfer of the prisoner to prerelease custody is otherwise appropriate.

''(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment; or

''(ff) attend religious activities; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

''(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

''(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

''(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

''(3) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

''(4) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison.

''(5) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines, for use by the Bureau of Prisons in determining—

''(A) the appropriate type of prerelease custody and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

''(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

''(6) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement or community supervision under this subsection. Such agreements shall—

''(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

''(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody.

''(7) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

''(8) MENTORING SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing mentoring services and to the prisoner.

''(9) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of the enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987.

SEC. 103. GAO REPORT.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3236(f) of title 18, United States Code.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities

among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 102 and the amendments made by that section.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions in recidivism that result from this title should be reinvested—

(1) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(2) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States.

SEC. 106. FAITH-BASED CONSIDERATIONS.

In considering any program, treatment, regimen, group, company, charity, person or entity of any kind under any provision of this Act or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2018''.

SEC. 202. SECURE FIREARMS STORAGE.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§ 4050. Secure firearms storage

''(a) DEFINITIONS.—In this section—

''(1) the term 'employee' means a qualified law enforcement officer employed by the Bureau of Prisons; and

''(2) the terms 'firearm' and 'qualified law enforcement officer' have the meanings given those terms under section 926B.

''(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

''(1)(A) provides a secure storage area located outside of the secure perimeter of the institution for employees to store firearms; or

''(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

''(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, as amended by this Act, is further amended by adding at the end the following:

''4050. Secure firearms storage.''.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE PERIOD OF PREGNANCY AND POSTPARTUM RECOVERY PROHIBITED.

(a) IN GENERAL.—Chapter 317 of title 18, United States Code, is amended by inserting after section 4321 the following:

''§ 4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited

''(a) PROHIBITION.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a healthcare professional, and ending at the conclusion of postpartum recovery, a prisoner in the custody of the Bureau of Prisons, or in the custody of the United States Marshals Service pursuant to section 4086, shall not be placed in restraints.

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply if—

''(A) an appropriate corrections official, or a United States marshal, as applicable, makes a determination that the prisoner—

''(i) is an immediate and credible flight risk that cannot reasonably be prevented by other means; or

''(ii) poses an immediate and serious threat of harm to herself or others that cannot reasonably be prevented by other means; or

''(B) a healthcare professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the medical safety of the prisoner.

''(2) LEAST RESTRICTIVE RESTRAINTS.—In the case that restraints are used pursuant to an exception under paragraph (1), only the least restrictive restraints necessary to prevent the harm or risk of escape described in paragraph (1) may be used.

''(3) APPLICATION.—

''(A) IN GENERAL.—The exceptions under paragraph (1) may not be applied—

''(i) to place restraints around the ankles, legs, or waist of a prisoner;

''(ii) to restrain a prisoner's hands behind her back;

''(iii) to restrain a prisoner using four-point restraints; or

''(iv) to attach a prisoner to another prisoner.

''(B) MEDICAL REQUEST.—Notwithstanding paragraph (1), upon the request of a healthcare professional who is responsible for the health and safety of a prisoner, a corrections official or United States marshal, as applicable, shall refrain from using restraints on the prisoner or remove restraints used on the prisoner.

''(c) REPORTS.—

''(1) REPORT TO THE DIRECTOR AND HEALTHCARE PROFESSIONAL.—If a corrections official or United States marshal uses restraints on a prisoner under subsection (b)(1), that official or marshal shall submit, not later than 30 days after placing the prisoner in restraints, to the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, and to the healthcare professional responsible for the health and safety of the prisoner, a written report which describes the facts and circumstances surrounding the use of restraints, and includes—

''(A) the reasoning upon which the determination to use restraints was made;

''(B) the details of the use of restraints, including the type of restraints used and length of time during which restraints were used; and

''(C) any resulting physical effects on the prisoner observed by or known to the corrections official or United States marshal, as applicable.

''(2) SUPPLEMENTAL REPORT TO THE DIRECTOR.—Upon receipt of a report under subsection (c)(1), the healthcare professional responsible for the health and safety of the prisoner may submit to the Director such information as the healthcare professional determines is relevant to the use of restraints on the prisoner.

''(3) REPORT TO JUDICIARY COMMITTEES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each submit to the Judiciary Committee of the Senate and of the House of Representatives a report that certifies compliance with this section and includes the information required to be reported under paragraph (1).

''(B) PERSONALLY IDENTIFIABLE INFORMATION.—The report under this paragraph shall not contain any personally identifiable information of any prisoner.

''(d) NOTICE.—Not later than 48 hours after the confirmation of a prisoner's pregnancy by a healthcare professional, that prisoner shall be notified by an appropriate healthcare professional, corrections official, or United States marshal, as applicable, of the restrictions on the use of restraints under this section.

''(e) VIOLATION REPORTING PROCESS.—The Director of the Bureau of Prisons, in consultation with the Director of the United States Marshals Service, shall establish a process through which a prisoner may report a violation of this section.

''(f) TRAINING.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each develop training guidelines regarding the use of restraints on female prisoners during the period of pregnancy, labor, and postpartum recovery, and shall incorporate such guidelines into appropriate training programs. Such training guidelines shall include—

''(A) how to identify certain symptoms of pregnancy that require immediate referral to a healthcare professional;

''(B) circumstances under which the exceptions under subsection (b) would apply;

''(C) in the case that an exception under subsection (b) applies, how to apply restraints in a way that does not harm the prisoner, the fetus, or the neonate;

''(D) the information required to be reported under subsection (c); and

''(E) the right of a healthcare professional to request that restraints not be used, and the requirement under subsection (b)(3)(B) to comply with such a request.

''(2) DEVELOPMENT OF GUIDELINES.—In developing the guidelines required by paragraph (1), the Directors shall each consult with healthcare professionals with expertise in caring for women during the period of pregnancy and postpartum recovery.

''(g) DEFINITIONS.—For purposes of this section:

''(1) The term 'postpartum recovery' means the twelve-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner, following delivery, and shall include the entire period that the prisoner is in the hospital or infirmary.

''(2) The term 'restraints' means any physical or mechanical device used to control the movement of a prisoner's body, limbs, or both.

''(3) The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 317 of title 18, United States Code, is amended by adding after the item relating to section 4321 the following:

''4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited.''.

TITLE IV—MISCELLANEOUS CRIMINAL JUSTICE

SEC. 401. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.

Subsection (b) of section 3621 of title 18, United States Code, is amended—

(1) by striking ''shall designate the place of the prisoner's imprisonment.'' and inserting ''shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence.''; and

(2) by adding at the end the following: ''Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court.''.

SEC. 402. HOME CONFINEMENT FOR LOW RISK PRISONERS.

Section 3624(c)(2) of title 18, United States Code, is amended by adding at the end the following: ''The Bureau of Prisons shall, to the extent practicable, place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted under this paragraph.''.

SEC. 403. FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION; MODIFICATION OF IMPOSED TERM OF IMPRISONMENT.

(a) FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION.—Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''and eligible terminally ill offenders'' after ''elderly offenders'' each place the term appears; and

(B) in subparagraph (A), by striking ''a Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(C) in subparagraph (B)—

(i) by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(ii) by inserting '', upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender'' after ''to home detention''; and

(D) in subparagraph (C), by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(2) in paragraph (2), by inserting ''or eligible terminally ill offender'' after ''elderly offender'';

(3) in paragraph (3)—

(A) by striking ''at least one Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(B) by striking ''and shall be carried out during fiscal years 2009 and 2010'' and inserting ''and shall be carried out during fiscal years 2019 through 2022'';

(4) in paragraph (4)—

(A) by inserting ''or eligible terminally ill offender'' after ''each eligible elderly offender''; and

(B) by inserting ''and eligible terminally ill offenders'' after ''eligible elderly offenders''; and

(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i), striking ''65 years of age'' and inserting ''60 years of age''; and

(ii) in clause (ii)—

(I) by striking ''the greater of 10 years or''; and

(II) by striking ''75 percent'' and inserting ''⅔''; and

(B) by adding at the end the following:

''(D) ELIGIBLE TERMINALLY ILL OFFENDER.—The term 'eligible terminally ill offender' means an offender in the custody of the Bureau of Prisons who—

''(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code;

''(ii) satisfies the criteria specified in clauses (iii) through (vii) of subparagraph (A); and

''(iii) has been determined by a medical doctor approved by the Bureau of Prisons to be—

''(I) in need of care at a nursing home, intermediate care facility, or assisted living facility, as those terms are defined in section 232 of the National Housing Act (12 U.S.C. 1715w); or

''(II) diagnosed with a terminal illness.''.

(b) INCREASING THE USE AND TRANSPARENCY OF COMPASSIONATE RELEASE.—Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A), in the matter preceding clause (i), by inserting after ''Bureau of Prisons,'' the following: ''or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier,'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) NOTIFICATION REQUIREMENTS.—

''(1) TERMINAL ILLNESS DEFINED.—In this subsection, the term 'terminal illness' means a disease or condition with an end-of-life trajectory.

''(2) NOTIFICATION.—The Bureau of Prisons shall, subject to any applicable confidentiality requirements—

''(A) in the case of a defendant diagnosed with a terminal illness—

''(i) not later than 72 hours after the diagnosis notify the defendant's attorney, partner, and family members of the defendant's condition and inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) not later than 7 days after the date of the diagnosis, provide the defendant's partner and family members (including extended family) with an opportunity to visit the defendant in person;

''(iii) upon request from the defendant or his attorney, partner, or a family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(iv) not later than 14 days of receipt of a request for a sentence reduction submitted on the defendant's behalf by the defendant or the defendant's attorney, partner, or family member, process the request;

''(B) in the case of a defendant who is physically or mentally unable to submit a request for a sentence reduction pursuant to subsection (c)(1)(A)—

''(i) inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) accept and process a request for sentence reduction that has been prepared and submitted on the defendant's behalf by the defendant's attorney, partner, or family member under clause (i); and

''(iii) upon request from the defendant or his attorney, partner, or family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(C) ensure that all Bureau of Prisons facilities regularly and visibly post, including in prisoner handbooks, staff training materials, and facility law libraries and medical and hospice facilities, and make available to prisoners upon demand, notice of—

''(i) a defendant's ability to request a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) the procedures and timelines for initiating and resolving requests described in clause (i); and

''(iii) the right to appeal a denial of a request described in clause (i) after all administrative rights to appeal within the Bureau of Prisons have been exhausted.

''(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, and once every year thereafter, the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on requests for sentence reductions pursuant to subsection (c)(1)(A), which shall include a description of, for the previous year—

''(A) the number of prisoners granted and denied sentence reductions, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(B) the number of requests initiated by or on behalf of prisoners, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(C) the number of requests which Bureau of Prisons employees assisted prisoners in drafting, preparing, or submitting, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(D) the number of requests which attorneys, partners, or family members submitted on a defendant's behalf, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(E) the number of requests approved by the Director of the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(F) the number of requests denied by the Director of the Bureau of Prisons and the reasons given for each denial, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(G) for each request, the time elapsed between the date the request was received by the warden and the final decision, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(H) for each request, the number of prisoners who died while their request was pending and, for each, the amount of time that had elapsed between the date the request was received by the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(I) the number of Bureau of Prisons notifications to attorneys, partners, and family members of their right to visit a terminally ill defendant as required under paragraph (2)(A)(ii) and, for each, whether a visit occurred and how much time elapsed between the notification and the visit;

''(J) the number of visits to terminally ill prisoners that were denied by the Bureau of Prisons due to security or other concerns, and the reasons given for each denial; and

''(K) the number of motions filed by defendants with the court after all administrative rights to appeal a denial of a sentence reduction had been exhausted, the outcome of each motion, and the time that had elapsed between the date the request was first received by the Bureau of Prisons and the date the defendant filed the motion with the court.''.

SEC. 404. IDENTIFICATION FOR RETURNING CITIZENS.

(a) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—Section 231(b) of the Second Chance Act of 2007 (34 U.S.C. 60541(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''(including'' and inserting ''prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including''; and

(B) by striking ''or birth certificate) prior to release'' and inserting ''and a birth certificate''; and

(2) by adding at the end the following:

''(4) DEFINITION.—In this subsection, the term 'community confinement' means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility.''.

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

(1) by redesignating paragraphs (D) and (E) as paragraphs (6) and (7), respectively;

(2) in paragraph (6) (as so redesignated)—

(A) in clause (i)—

(i) by striking ''Social Security Cards,''; and

(ii) by striking ''and'' at the end;

(B) by redesignating clause (ii) as clause (iii);

(C) by inserting after clause (i) the following:

''(ii) obtain identification, including a social security card, driver's license or other official photo identification, and a birth certificate; and'';

(D) in clause (iii) (as so redesignated), by inserting after ''prior to release'' the following: ''from a sentence to a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term of community confinement''; and

(E) by redesignating clauses (i), (ii), and (iii) (as so amended) as subparagraphs (A), (B), and (C), respectively; and

(3) in paragraph (7) (as so redesignated), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively.

SEC. 405. EXPANDING INMATE EMPLOYMENT THROUGH FEDERAL PRISON INDUSTRIES.

(a) NEW MARKET AUTHORIZATIONS.—Chapter 307 of title 18, United States Code, is amended by inserting after section 4129 the following:

''§ 4130. Additional markets

''(a) IN GENERAL.—Notwithstanding any other provision of law, Federal Prison Industries may sell products to—

''(1) public entities for use in penal or correctional institutions;

''(2) public entities for use in disaster relief or emergency response;

''(3) the government of the District of Columbia; and

''(4) any organization described in section 501(c)(3), (c)(4), or (d) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.

''(b) DEFINITIONS.—In this section:

''(1) The term 'public entity' means a State, a subdivision of a State, an Indian tribe, and an agency or governmental corporation or business of any of the foregoing.

''(2) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by inserting after the item relating to section 4129 the following:

''4130. Additional markets.''.

(c) DEFERRED COMPENSATION.—Section 4126(c)(4) of title 18, United States Code, is amended by inserting after ''operations,'' the following: ''not less than 15 percent of such compensation for any inmate shall be reserved in the fund or a separate account and made available to assist the inmate with costs associated with release from prison,''.

SEC. 406. DE-ESCALATION TRAINING.

Beginning not later than 1 year after the date of the enactment of this Act, the Director of the Bureau of Prisons shall incorporate into training programs provided to officers and employees of the Bureau of Prisons (including officers and employees of an organization with which the Bureau of Prisons has a contract to provide services relating to imprisonment) specialized and comprehensive training in procedures to—

(1) de-escalate encounters between a law enforcement officer or an officer or employee of the Bureau of Prisons, and a civilian or a prisoner (as such term is defined in section 106 of this Act); and

(2) identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.

SEC. 407. EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.

(a) REPORT ON EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and the capacity of the Bureau of Prisons to treat heroin and opioid abuse through evidence-based programs, including medication-assisted treatment where appropriate. In preparing the report, the Director shall consider medication-assisted treatment as a strategy to assist in treatment where appropriate and not as a replacement for holistic and other drug-free approaches. The report shall include a description of plans to expand access to evidence-based treatment for heroin and opioid abuse for prisoners, including access to medication-assisted treatment in appropriate cases. Following submission, the Director shall take steps to implement these plans.

(b) REPORT ON THE AVAILABILITY OF MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE, AND IMPLEMENTATION THEREOF.—Not later than 120 days after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and capacity for the provision of medication-assisted treatment for opioid and heroin abuse by treatment-service providers serving prisoners who are serving a term of supervised release, and including a description of plans to expand access to medication-assisted treatment for heroin and opioid abuse whenever appropriate among prisoners under supervised release. Following submission, the Director will take steps to implement these plans.

SEC. 408. PILOT PROGRAMS.

(a) IN GENERAL.—The Bureau of Prisons shall establish each of the following pilot programs for 5 years, in at least 20 facilities:

(1) MENTORSHIP FOR YOUTH.—A program to pair youth with volunteers from faith-based or community organizations, which may include formerly incarcerated offenders, that have relevant experience or expertise in mentoring, and a willingness to serve as a mentor in such a capacity.

(2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE ANIMALS.—A program to equip prisoners with the skills to provide training and therapy to animals seized by Federal law enforcement under asset forfeiture authority and to organizations that provide shelter and similar services to abandoned, rescued, or otherwise vulnerable animals.

(b) REPORTING REQUIREMENT.—Not later than one year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the pilot programs under this section. Such report shall include cost savings, numbers of participants, and information about recidivism rates among participants.

(c) DEFINITION.—In this title, the term ''youth'' means a prisoner (as such term is defined in section 106) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.

SEC. 409. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended in paragraph (8)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended in paragraph (12)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

SEC. 410. DATA COLLECTION.

(a) NATIONAL PRISONER STATISTICS PROGRAM.—Beginning not later than one year after the date of the enactment of this Act, and annually thereafter, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), the Director of the Bureau of Justice Statistics, with information that shall be provided by the Director of the Bureau of Prisons, shall include in the National Prisoner Statistics Program the following:

(1) The number of prisoners (as such term is defined in section 106 of this Act) who are veterans of the Armed Forces of the United States.

(2) The number of prisoners who have been placed in solitary confinement at any time during the previous year.

(3) The number of female prisoners known by the Bureau of Prisons to be pregnant, as well as the outcomes of such pregnancies, including information on pregnancies that result in live-birth, still-birth, miscarriage, abortion, ectopic pregnancy, maternal death, neonatal death, and preterm birth.

(4) The numbers of prisoners who volunteered to participate in a substance abuse

treatment program, and the number of prisoners who have participated in such a program.

(5) The number of prisoners provided medication-assisted treatment with medication approved by the Food and Drug Administration while in custody in order to treat substance use disorder.

(6) The number of prisoners who were receiving medication-assisted treatment with medication approved by the Food and Drug Administration prior to the commencement of their term of imprisonment.

(7) The number of prisoners who are the parent or guardian of a minor child.

(8) The numbers of prisoners who are single, married, or otherwise in a committed relationship.

(9) The number of prisoners who have not achieved a GED, high school diploma, or equivalent prior to entering prison.

(10) The number of prisoners who, during the previous year, received their GED or other equivalent certificate while incarcerated.

(11) The numbers of prisoners for whom English is a second language.

(12) The number of incidents, during the previous year, in which restraints were used on a female prisoner during pregnancy, labor, or postpartum recovery, as well as information relating to the type of restraints used, and the circumstances under which each incident occurred.

(13) The vacancy rate for medical and healthcare staff positions, and average length of such a vacancy.

(14) The number of facilities that operated, at any time during the previous year, without at least one clinical nurse, certified paramedic, or licensed physician on-site.

(15) The number of facilities that during the previous year were accredited by the American Correctional Association.

(16) The number and type of recidivism reduction partnerships described in section 3621(h)(5) of title 18, United States Code, entered into by each facility.

(17) The number of facilities with remote learning capabilities.

(18) The number of facilities that offer prisoners video conferencing.

(19) Any changes in costs related to legal phone calls and visits following implementation of section 403 of this Act.

(20) The number of aliens in prison during the previous year.

(21) For each Bureau of Prisons facility, the total number of violations that resulted in reductions in rewards, incentives, or time credits, the number of such violations for each category of violation, and the demographic breakdown of the prisoners who have received such reductions.

(22) The number of assaults on Bureau of Prisons staff by prisoners and the number of criminal prosecutions of prisoners for assaulting Bureau of Prisons staff.

(23) The capacity of each recidivism reduction program and productive activity to accommodate eligible inmates at each Bureau of Prisons facility.

(24) The number of volunteers who were certified to volunteer in a Bureau of Prisons facility, broken down by level (level I and level II), and by each Bureau of Prisons facility.

(25) The number of prisoners enrolled in recidivism reduction programs and productive activities at each Bureau of Prisons facility, broken down by risk level and by program, and the number of those enrolled prisoners who successfully completed each program.

(26) The breakdown of prisoners classified at each risk level by demographic characteristics, including age, sex, race, and the length of the sentence imposed.

(b) REPORT TO JUDICIARY COMMITTEES.—Beginning not later than one year after the date of the enactment of this Act, and annually thereafter for a period of 7 years, the Director of the Bureau of Justice Statistics shall submit a report containing the information described in paragraphs (1) through (26) of subsection (a) to the Committees on the Judiciary of the House of Representatives and of the Senate.

SEC. 411. HEALTHCARE PRODUCTS.

(a) AVAILABILITY.—The Director of the Bureau of Prisons shall make the healthcare products described in subsection (c) available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.

(b) QUALITY PRODUCTS.—The Director shall ensure that the healthcare products provided under this section conform with applicable industry standards.

(c) PRODUCTS.—The healthcare products described in this subsection are tampons and sanitary napkins.

SEC. 412. PRISON RAPE ELIMINATION STANDARDS AUDITORS.

Section 8(e)(8) of the Prison Rape Elimination Act of 2003 (34 U.S.C. 30307(e)(8)) is amended to read as follows:

''(8) STANDARDS FOR AUDITORS.—

''(A) IN GENERAL.—

''(i) BACKGROUND CHECKS FOR AUDITORS.—An individual seeking certification by the Department of Justice to serve as an auditor of prison compliance with the national standards described in subsection (a) shall, upon request, submit fingerprints in the manner determined by the Attorney General for criminal history record checks of the applicable State and Federal Bureau of Investigation repositories.

''(ii) CERTIFICATION AGREEMENTS.—Each auditor certified under this paragraph shall sign a certification agreement that includes the provisions of, or provisions that are substantially similar to, the Bureau of Justice Assistance's Auditor Certification Agreement in use in April 2018.

''(iii) AUDITOR EVALUATION.—The PREA Management Office of the Bureau of Justice Assistance shall evaluate all auditors based on the criteria contained in the certification agreement. In the case that an auditor fails to comply with a certification agreement or to conduct audits in accordance with the PREA Auditor Handbook, audit methodology, and instrument approved by the PREA Management Office, the Office may take remedial or disciplinary action, as appropriate, including decertifying the auditor in accordance with subparagraph (B).

''(B) AUDITOR DECERTIFICATION.—

''(i) IN GENERAL.—The PREA Management Office may suspend an auditor's certification during an evaluation of an auditor's performance under subparagraph (A)(iii). The PREA Management Office shall promptly publish the names of auditors who have been decertified, and the reason for decertification. Auditors who have been decertified or are on suspension may not participate in audits described in subsection (a), including as an agent of a certified auditor.

''(ii) NOTIFICATION.—In the case that an auditor is decertified, the PREA Management Office shall inform each facility or agency at which the auditor performed an audit during the relevant three-year audit cycle, and may recommend that the agency repeat any affected audits, if appropriate.

''(C) AUDIT ASSIGNMENTS.—The PREA Management Office shall establish a system, to be administered by the Office, for assigning certified auditors to Federal, State, and local facilities.

''(D) DISCLOSURE OF DOCUMENTATION.—The Director of the Bureau of Prisons shall comply with each request for documentation necessary to conduct an audit under subsection (a), which is made by a certified auditor in accordance with the provisions of the certification agreement described in subparagraph (A)(ii). The Director of the Bureau of Prisons may require an auditor to sign a confidentiality agreement or other agreement designed to address the auditor's use of personally identifiable information, except that such an agreement may not limit an auditor's ability to provide all such documentation to the Department of Justice, as required under section 115.401(j) of title 28, Code of Federal Regulations.''.

SEC. 413. ADULT AND JUVENILE COLLABORATION PROGRAMS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651) is amended—

(1) by striking subsection (b)(4)(D);

(2) in subsection (e), by striking ''may use up to 3 percent'' and inserting ''shall use not less than 6 percent''; and

(3) by amending subsection (g) to read as follows:

''(g) COLLABORATION SET ASIDE.—The Attorney General shall use not less than 8 percent of funds appropriated to provide technical assistance to State and local governments receiving grants under this part to foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5682, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5682, the FIRST STEP Act. The bipartisan bill before us is a meaningful, historic criminal justice reform measure.

The FIRST STEP Act places a new focus on rehabilitation. While we recognize criminal behavior needs to be punished and criminals need to be incarcerated, we must also acknowledge that our prison population needs to be rehabilitated to the greatest extent practicable. The bill establishes a risk and needs assessment as the basis of both an effective recidivism reduction program and an efficient and effective Federal prison system.

The FIRST STEP Act will incentivize prisoners to participate in evidence-based recidivism reduction programs, productive activities, and jobs that will actually reduce their risk of recidivism.

We know that over 90 percent of all prisoners within the Bureau of Prisons

will be released someday. That is an indisputable fact. We also know that without programming and intervention, which can train prisoners to be better citizens, not better criminals, prisoners are more likely to recidivate.

Mr. Speaker, rather than allowing the cycle of crime to continue, this legislation takes a practical, intelligent approach to rehabilitation. By using a focused approach for each prisoner, we can lower the risk of recidivism. That is what H.R. 5682 does.

Fewer recidivists means fewer prisoners in the future. It means greater savings to the American taxpayer. More importantly, it means safer communities, fewer crimes, and, of course, fewer victims. It also means greater opportunities for people once they leave prison.

This bill is important because when prisoners who have received intervention and rehabilitation are released, they are less likely to commit crimes. When that happens, our streets are safer and innocent civilians are less likely to be victimized. Rehabilitated prisoners are more likely to leave the life of crime behind, become productive members of society, and contribute to their communities. If that isn't meaningful, Mr. Speaker, I don't know what is.

I know there are some in this body who are opposing this legislation because it does not include sentencing reform. I support sentencing reform and have worked with my colleagues to find common ground on that issue. However, we should not let this opportunity pass by. The vast majority of Members of this House agree that this legislation is needed. Let us not linger any longer. Let us move this important and meaningful bill today.

Just look at the bipartisan support from outside interest groups that the FIRST STEP Act has received. Numerous organizations—almost too many to list in the allotted time we have—on both the left and the right have enthusiastically endorsed this bill.

Finally, Mr. Speaker, I want to thank the chief sponsors of H.R. 5682, the gentleman from Georgia (Mr. COLLINS) and the gentleman from New York (Mr. JEFFRIES). They worked tirelessly to get this bill to the floor, and both should be applauded for their bipartisan approach to this issue.

Mr. Speaker, I urge my colleagues to support the FIRST STEP Act, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I claim the time in opposition to H.R. 5682, the FIRST STEP Act. On principle, I cannot support legislation which fails to address the larger issue of sentencing reform, and, though this bill makes some modest improvements in areas related to our prisons, actually it does more harm by cementing into our system new areas of racial biases and disadvantage that make worse a criminal justice system desperately in need of reform.

Despite the bill's good intentions, the new incentive system for pre-release custody credits could exacerbate racial biases and, unlike previous criminal justice efforts, is not balanced with the necessary reforms to our Federal sentencing system. As Monday's New York Times editorial observed: ''A partial bill could end up being worse than nothing.''

The bill excludes large categories of inmates, based on convictions for various offenses and on immigration status, from being eligible for the pre-release custody incentives established by the bill.

Second, certain prisoners who are eligible to participate in the incentive system and who successfully participate in recidivism reduction programs would face being denied early entry to pre-release custody if such inmates are judged to have a higher than low recidivism risk under the new system. It would be unfair to deny these prisoners what they have earned, and it is counterproductive for all of us to, in effect, create a disincentive for prisoners who most need recidivism reduction programming from engaging in it.

Third, the combination of these factors, implemented through a problematic risk assessment tool, could operate to exacerbate racial and socioeconomic disparities already present in the criminal justice system. As the Leadership Conference on Civil and Human Rights, the ACLU, the NAACP, the National Immigration Law Center, and dozens of other advocacy groups warn, ''the exclusions could . . . have a disparate impact on racial minorities.''

I want to acknowledge the tremendous work of my colleagues on the Judiciary Committee—Representatives JEFFRIES, RICHMOND, and BASS particularly—for their efforts to improve the legislation. I wholeheartedly support certain provisions in the current version of the bill, such as expanding time credits for good behavior, banning the shackling of women prisoners, and enhanced compassionate relief. But, unfortunately, these good provisions do not outweigh the potentially harmful provisions contained elsewhere in the bill.

Perhaps more importantly, it is clear that prison reform alone will not ameliorate the crisis of mass incarceration unless we address the principal cause of the problem—unjust sentencing laws. As former Attorney General Eric Holder writes in today's Washington Post: ''To reform America's prisons, we must change the laws that send people to them in the first place. Anything less represents a failure of leadership.''

It is unfortunate that after waiting nearly 1½ years to take up the issue of criminal justice reform, the majority was unwilling to subject H.R. 5682 to a single legislative hearing or even bother to obtain a CBO score so we could understand its impact.

I also do not believe we can simply accept as a reason not to change our sentencing laws opposition to sentencing reform by a Trump administration that changes its legislative positions on a near daily basis and that has already done so much to weaken and undermine the criminal justice system. Nor do I believe more balanced reform is not viable when Senator CHUCK GRASSLEY, the chairman of the Senate Judiciary Committee, told us: ''For any criminal justice system proposal to win approval in the Senate, it must include . . . sentencing reforms.''

Although I oppose this legislation, I remain fully committed to achieving balanced reform as part of an effort to make our criminal justice system more just and our constituents more safe. But I do not believe that passing this bill today would contribute to that goal. I therefore urge an opposition vote.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I would like to thank the gentleman for yielding.

Mr. Speaker, I urge my colleagues to vote in favor of this FIRST STEP Act. I spent 17 years of my life representing people accused of crimes.

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Some of them are people whom I will never forget. One is a woman named Daniella. She had some prior misdemeanor offenses and was charged with possession of crack cocaine. She was looking at a sentence of about 60 months, based on the amount. She had a small child. There were no weapons involved.

The prosecutors told her: If you tell on your boyfriend, we will take you to State court. If you don't, we are taking you to Federal court.

They took her to Federal court. And try as I did, she ended up getting 60 months of prison. She got taken away from her child. I remember the screams of that little boy as they walked his mother into custody.

I cannot imagine asking her to stay in prison one day longer than she needed to. I cannot imagine not giving every opportunity to improve her life and her skills.

Mr. Speaker, I urge a ''yes'' vote, and I do so with a lot of enthusiasm today.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of the FIRST STEP Act. I supported this bipartisan bill in committee because it will help more ex-offenders reenter the workforce. It will reduce recidivism.

The FIRST STEP Act is just a first step in fixing our criminal justice system. We all realize there is a lot more to do and a lot more we must do, but this is an important start.

I would remind everyone that the bill allows prisoners to earn an additional 7

days off their sentence each year they demonstrate good behavior. It funds important job training, drug treatment, and education services. It prohibits the shackling of pregnant women and improves compassionate release.

These are all very good provisions. It will not only reduce recidivism; it will enhance the safety of our communities by making sure folks have the ability to enter drug treatment, enter job training, and avail themselves of educational services. These are all commonsense ideas. I hope that everyone will support this legislation.

I want to thank, particularly, my colleague HAKEEM JEFFRIES for his strong leadership in these difficult negotiations, and I urge my colleagues to vote for the FIRST STEP and then commit themselves to continuing to build on this, because there is much more work to do in sentencing reform and criminal justice reform broadly.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DANNY K. DAVIS).

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I commend the Judiciary Committee for its tremendous work in bringing this bill to the floor. They have put forth tremendous effort and tried every way they could think of to compromise.

But notwithstanding the effort, I find myself not in a position to vote in favor of the bill. One of the reasons is that many of the organizations and groups with whom I have worked over the years are in opposition. They are people who are on the ground floor of criminal justice reform. They recognize that, if we are going to provide an opportunity to seriously reduce mass incarceration, we have to make provisions for individuals to regain some sense of reality regarding what got them into prison in the first place.

I appreciate all of the efforts. I think we have got too much authority being given to the Attorney General. I wish we had been able to get closer to what people I work with daily would be in agreement with. Unfortunately, we did not.

Unfortunately, I do not support passage of the bill, but I support continuing to work to find the real, hard-nosed solutions that we need.

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS), the chief sponsor of the legislation and a member of the Judiciary Committee.

Mr. COLLINS of Georgia. Mr. Speaker, I want to thank my colleague, Chairman BOB GOODLATTE, who has been a great supporter of working towards finding solutions. I think that is what we are here for today is finding solutions.

I want to thank the chairman for working this, taking this, and moving forward on a lot of different fronts. But as we look forward, there are some things I want to clear up and some people I want to thank.

With HAKEEM JEFFRIES, I couldn't ask for a better partner to work with through the intricacies of big solutions and big problems. These are big problems. Mr. JEFFRIES and I have said: Let's take a look and see what we can fix.

What is going to be said today is: I like this legislation, I like parts of this legislation; I like the legislation, but it doesn't go far enough; if it just did a little more—as if this place produced perfect results every time and we just want to wait.

But I also would ask those who choose to vote ''no'' today, and my question is this: Is it okay to make progress on many other things but on this one say no? Say no to a family who has a family member in prison who could get treatment and get help?

And when they come home—which over 90 percent of all prisoners in this country do, they come home—is it okay to say no to those folks, and say: No, we are not going to provide that for your family member; we are not going to provide extra treatment so that they can get help with addiction or work problems or anger management or skills deficits or education deficits? No, it is not.

Is it okay today to vote ''no'' and say: I like a lot of this bill, but I want to continue to shackle women as they have babies?

It is a pretty simple understanding. I get it. I want to see sentencing reform, too. I am on record as saying I do. I am on record as continuing past this to actually do that.

Mr. JEFFRIES and I have talked about this more than we ever imagined we would. But Congressman JEFFRIES is a great partner in this effort.

This bill is real and meaningful reform. Senator CORNYN and Senator WHITEHOUSE across the way in the Senate have taken steps to actually introduce the same bill and are working to do this. The President has said this is something that can be signed. In fact, the President, Mr. Speaker, last week, said that America is a nation that believes in second chances.

The FIRST STEP Act gives those second chances. It gives us hope. It gives us an ability to look at people. As I have said on this issue many times, it is a money and moral issue.

In States like Georgia, Kentucky, Oklahoma, Texas, New York, and California, these issues have been discussed and evidence-based approaches have worked. We have seen it, Mr. Speaker, work in my home State of Georgia. We have seen an evidence-based approach be the way that you need to go. This bill provides the protection, and it also provides the incentive for this to work.

Now, there have been many discussions on why we shouldn't do this, and there have been many people in recent days coming forward. I think it is pretty amazing to me—and I am going to have to be honest here—for the former Attorney General to come out and say this is not enough and say that the current Department of Justice could do some of this, then I have one question for the former Attorney General: Where were you when you held the office? Why didn't you do something then? If it was within your grasp, why did you turn a deaf ear to the cries of families who were in need? Why did you decide not to do something and now weigh in on something that Congressman JEFFRIES and many others have put their hearts and lives into and weigh in and say it is not enough? Look to those families, Mr. Former Attorney General, and tell them it is not enough.

It is easy to write an op-ed. It must be a lot harder to do it when you have the job.

So, as we look forward here, this is a positive piece of legislation. This is something that we can look forward to doing, when you have a chance to give those prisoners the opportunity to cut the very things down in their life that cause them to get there to start with.

When we begin to look at the reasons they are there—and there are multiple—then we are taking a first step toward solutions, a first step toward hope, a first step toward making a difference so that we can then see, if we can take this first step, then maybe we can get some of our colleagues to take that next step into sentencing reform and other areas that we have already worked on, that the chairman has worked on, and others across in the Senate have advocated for.

But if we choose not to do that today, you are saying no to the future. Congressman JEFFRIES and I believe yes to the future. I know that when we have worked on this, it is about what we can accomplish and how we can accomplish it in a way that is meaningful to others.

When we look at this, I also find it rather interesting, Mr. Speaker, the groups that have come together here. As we went around talking about this, we went to so many different groups from the left and the right that say this is a great first step: Justice Action Network, American Conservative Union, FreedomWorks, FAMM, Prison Fellowship, Faith and Freedom Coalition, #cut50, Heritage Action for America, and many, many more both on the left and the right. The Koch Foundation and others have said this is good. This is something we can move on. This provides that hope that we are searching for.

To the bill's detractors, I respect your opinion. To the bill's detractors, I would just say: Why not? If why not, why not here? And if why not and why you don't want to here, when? Is it ever good enough? Can we ever get to a point?

I think one of the things, Mr. Speaker, that we often deal with here is the art of the possible. Today is about the art of the possible.

We have an administration that says: We will sign the bill.

Jared Kushner has been such an advocate for this and worked with the administration to say: We will put forth the effort to make this work.

We have partners in the Senate who say: We want to work and do even more.

I am glad of that. And I have a partner here and many who have come alongside of us and have spoken to say: Let's do something today.

Today is about action. Today is about being a part of something bigger than ourselves. This is a day when we can come to the floor of this House and be proud of why we are here.

So many times we come down and we look at the bill and we see paper and we see words on a paper. But I tell you what I see, Mr. Speaker: I see the faces of the families behind these words. I see the faces of the families behind these words that it is actually going to help.

So when you look at this vote and you look at this bill, I say: Look beyond the pieces of paper, look beyond the ink, and look to the families that will be helped.

When you cast that ''yes'' vote, you are saying: I want to do something, and I am not afraid to wait on something I might want but know that I can take a step further now.

It is very simple: vote ''yes'' to move it along or vote ''no'' and say no to those in need.

I can agree and disagree about a lot of parts, but this is about the people behind the bill.

Before I go, Mr. Speaker, though, in addition to the committee, the chairman, and the committee staff who have been so great, a few weeks ago, I had the chance to talk about a staff member of mine as a steel magnolia. Today, Jon Ferro, from my staff, a New York native who works for a Georgia Member, has earned from me the highest praise.

He is now, as you will see in all of the groups that have worked on this, a Bulldog. He has worked this over and over. He has worked it to find solutions. For that I am thankful, and for that I am proud.

Mr. Speaker, this is a good bill. You could come up with every reason you want to vote ''no,'' and that is okay, I guess; but remember, there are families watching today. There are incarcerated people watching today. My question is: Will you vote for them or will you vote to hold up something that may or may not happen?

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. BASS), a member of the Judiciary Committee.

Ms. BASS. Mr. Speaker, I rise today in support of the FIRST STEP Act.

There are thousands of women who are incarcerated while pregnant. My language in the FIRST STEP Act addresses the treatment of pregnant inmates and the use of shackles.

The current system is based on a male model that fails to meet the physical and mental health needs of women. This is occurring at a time when women are the fastest growing population in our prisons and jails, increasing in number by over 700 percent since the 1980s.

The treatment of incarcerated women is particularly glaring during pregnancy, delivery, and postpartum. Pregnant women must be provided appropriate prenatal care, which includes nutrition and housing.

We can also agree it defies common sense and logic to use shackles on a woman who is delivering a baby. More than 22 States have restricted the use on pregnant women, yet the practice continues. This is despite no reported incidents of women attempting to escape when shackles are not used during childbirth. If anyone knows of a woman who is able to jump up while delivering and overcome an armed guard, I would certainly like to meet her.

Women across the country have shared their horror stories about being pregnant or delivering while shackled. The experiences are as grim as you can imagine. One mother recounted being shackled after having an emergency C-section. She was handcuffed and a chain was linked across her belly.

The SPEAKER pro tempore (Mr. CARTER of Georgia). The time of the gentlewoman has expired.

□ 1330

Mr. NADLER. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. BASS. She stated: ''With the weight on my stomach, it felt like they were ripping open my C-section.''

We must institute Federal standards and educate correction officers, medical personnel, and pregnant inmates regarding the standard of care for pregnant women. Women must be a part of the debate on prison and sentencing reform.

Mr. Speaker, I look forward to introducing additional legislation to highlight this issue.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. RICHMOND), a member of the Judiciary Committee.

Mr. RICHMOND. Mr. Speaker, let me thank Congressman JEFFRIES and Congressman COLLINS for this FIRST STEP Act.

Does it go as far as I would want it to go? It doesn't. But is it a substantial step in the right direction? The answer is yes.

When we start talking about prison reform, we start talking about ways to help those who are incarcerated, one, when they get out; two, to better themselves when they are already in.

And one of the things we do in this bill is to allow movement of inmates closer to their families so that they can keep that family connection, so that they can continue to be a part of the family, which also reduces recidivism.

We also fix the ''good time'' problem that has happened. For every 7 days that you increase good time, you save $50 million a year. Not only did we fix it this year, but we fixed the problem BOP interpreted in the law, contrary to congressional intent, in the first place.

So this bill takes, I believe, a significant step in the right direction, not to mention the $250 million toward restorative justice and other ways. Hopefully, the savings from this bill will continue to go toward criminal justice and we will continue to take second and third steps.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES), a distinguished member of the Judiciary Committee.

Mr. JEFFRIES. Mr. Speaker, I thank Chairman GOODLATTE as well as several distinguished members of the Judiciary Committee—in particular, CEDRIC RICHMOND and KAREN BASS—for their leadership on this issue and, of course, my good friend DOUG COLLINS for being a phenomenal champion of improving the lives of currently incarcerated individuals, folks who have no time for political games.

These are individuals who are in the system right now without hope, without opportunity, without a meaningful chance at transforming themselves. And the FIRST STEP Act will provide that.

It will give them an opportunity to get educated now, give them an opportunity to get vocational training now, a GED now, a college education now, give them the opportunity to deal with their substance abuse problem now, mental health counseling now. Why would we possibly refuse that?

These individuals are amongst the least, the lost, and the left behind. And we have an opportunity, in a bipartisan way, to make a difference in their lives in so many areas. Any objective reading of this bill is that it will improve their quality of life.

And what is so wonderful about this is that you have the right and the left, conservatives and progressives, united in this effort.

Nothing meaningful is ever easy, but the mass incarceration epidemic has been with us for almost 50 years. You will not just take one legislative magic wand and wipe it away in one shot. It will require sustained effort, sustained intensity, sustained commitment, and a meaningful first step. That is what this bill represents.

Mr. Speaker, I urge all of my colleagues to support this effort to transform lives, save taxpayer dollars, and dramatically reduce recidivism now.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from

Washington (Ms. JAYAPAL), a distinguished member of the Judiciary Committee.

Ms. JAYAPAL. Mr. Speaker, there is one thing everybody agrees on, and that is that it is past time that we face the institutionalized racial inequity that is built into every single step of our mass incarceration system.

We know that mass incarceration disproportionately affects people of color and that, today, women in prison are, sadly, the fastest growing demographic, frequently caught up with the arrests of their partners and struggling with mental health and addiction.

This bill does take important steps forward, and I want to say that it is a very good faith effort on the part of the bill's two sponsors: my friend HAKEEM JEFFRIES and Representative DOUG COLLINS.

Unfortunately, Mr. Speaker, I still am not going to be able to support the bill because I have serious concerns about how the bill creates, develops, and implements a new risk assessment system on a very quick timeline by someone who, frankly, has spent his career opposing criminal justice reforms and, in fact, has fought attempts to advance racial justice, and that is Attorney General Sessions.

This is especially concerning given that research shows us that risk assessments produce racial disparities. And this bill does not address sentencing reform, which is an issue that has bipartisan support and is the crux of the problem today.

In addition, Mr. Speaker, I am very concerned about language in the bill that excludes immigrants from being eligible for time credits. The bill excludes longtime, legal permanent residents, green card holders, who may have committed the exact same crimes as others and may be eligible for relief under U.S. law. If we are making redemption available, shouldn't it be available for everyone, regardless of immigration status, for the same set of crimes?

Moreover, continued incarceration of these people simply based upon citizenship status is a waste of taxpayer dollars and unnecessarily keeps families separated.

The reality is that these are deeply important issues, and this bill shows that we have the capacity to work in a bipartisan way. Even with all of the good work and even for a first step, unfortunately, I believe we have more work to do to get to the place where our morals are being consistently applied.

I look forward to doing everything I can to work on this.

Mr. GOODLATTE. Mr. Speaker, I am prepared to close whenever the gentleman from New York is, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I have one further speaker, and then I will be prepared to close.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), the distinguished ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Ms. JACKSON LEE. Mr. Speaker, I, too, want to offer my appreciation for all of my colleagues—in particular, those who have offered this legislation.

I recall, in the Congress preceding this, we offered a bipartisan combination of comprehensive criminal justice reform, took bills that included prison reform and sentencing reform, and were really on the way to passing that combination of very important partnership. Unfortunately, the politics of that time got in the way.

But my appreciation to Mr. JEFFRIES and Mr. COLLINS. It really is the coming together of Members. Mr. NADLER worked very hard to inject very important provisions, as well as many other Members. And they even did so on the day of the markup. And all but one that Mr. RICHMOND, Ms. JACKSON LEE, Ms. JAYAPAL, and Mrs. DEMINGS put in on retroactivity failed in the committee.

So let me give an open letter to the mothers and fathers of incarcerated persons who are in our constituency and, as well, to those inmates who may, by chance, be looking at this debate. Having recently visited one of the Federal centers, I know that inmates are astute and concerned about their future.

So I think it is important to establish to those parents why Democrats have consistently tried to sew together, tried to stitch together the idea of sentencing reduction and prison reform.

Elements of this bill are striking and good. But to a mom, is it more exciting for you to know that your son, who had an excessive sentencing because of mandatory minimums, and you, who are incarcerated, have your sentence reduced than maybe on the back end?

Now, it is important to note that all of those, if this bill is passed, will participate in the rehabilitation programs, but it is also important to note that the Bureau of Prisons has closed halfway houses. That is a component of this bill. And they have reduced and cut the numbers of individuals who are corrections officers to the extent that corrections officers feel endangered and that augmentation has been used.

Augmentation means that nurses and teachers and others who are inside the prison are being used to augment the staff of correction officers which have been fired—or terminated, rather—under this administration.

In a letter from the BOP union president, they indicated that they are severely understaffed and it would be difficult to implement this bill without those aspects being remedied—meaning more staff, more halfway houses, more money to implement this program.

So many of my friends have asked me: What is the harm? Let me give you what is the harm.

First, it would divert limited resources for programming by requiring a complex risk assessment process that would primarily benefit people deemed at a low or minimum risk of recidivism.

That means, if you came in with a harsh drug sentence but through the years, Mom or Dad, you saw your son or daughter fix their lives, you would note that they, in fact, would not be eligible for this program.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE. Mr. Speaker, without provisions in the bill to reduce the excessive sentencing produced by mandatory minimums for drug offenses, overcrowding will still persist and thereby divert resources from programs to reduce recidivism.

Let me be very clear: The corrections officers indicate they don't have the staff. Halfway houses have been closed.

In addition, it is documented that, if your son or daughter has an offense that was considered excluded and they have repaired their life, through the prison they have made changes, they will not be eligible—not for the programs, but they will not be eligible for relief.

So it is a first step. But I would simply say: If it is the first step, why not protection of immigrants? And, also, why not have a sentencing reform hearing, which the Republicans have canceled because of my position on this bill?

Let us work together for what is good, Mr. Speaker. Let us make a difference in the lives of all of the inmates.

Mr. Speaker, I rise to speak on H.R. 5682, the "FIRST STEP Act of 2018" and thank my colleagues, Mr. JEFFRIES and Mr. COLLINS for bringing this forward. This legislation purports to help reduce recidivism for the millions of formerly incarcerated people that will return to our communities. I respectfully reserve the right to voice my concerns with this bill.

First, as the NY Times editorial noted, "the biggest problem with the FIRST STEP Act is . . . . what's left out, specifically, sentencing reform." Eric Holder said in the Washington Post, "by choosing a tepid approach, the prison reform bill abandons years of work and risks making it harder for Congress to advance more serious legislation in the future. Meaningful sentencing reform will be less likely to occur if the narrow prison bill is enacted."

Even President Trump specifically stated during his remarks at the White House Prison Reform Summit last Friday, "we want the finest prison reform bill that you could have anywhere." I agree with the President on this, as I also want the finest prison reform bill. Hence, I will continue to fight for the very best legislation that will adequately address the nearly 650,900 formerly incarcerated people that will return to our communities a year. That's not partisan or personal politics, but rather, common sense, just and equitable politics.

Imagine you are a mother, child or loved one of an incarcerated person that was robbed by a system that played Russian roulette with his or her life because that system

decided they were criminals rather than victims of a public health crisis during the crack epidemic. Now imagine that same system, rather than remediating the tragedy it caused in broken homes and communities through inept policies that had a racial and economic disparate impact, now seeks to pat them on the back and further insult an entire race by feeding them crumbs.

As a mother or loved one, you would demand that the system cure the defect in those sentencing laws that would drastically reduce his or her time in custody, and apply justice equitably. Let's not forget what happened in the 1964 Crime bill. Congress has the power to do that. We should hold ourselves accountable to deliver on the promise we made when we acknowledged the draconian policies implemented during the ''War on Drugs'' crisis, in passing the Fair Sentencing Act. Let's finish what we started then, by appealing to our better angels and not crucify each other because we disagree.

As Families Against Mandatory Minimum indicated in their letter, ''sentencing reform should be included in any final justice reform package.''

Second, even if the majority chose to ignore sentencing reform due to pressure, we cannot sit idly by and allow a slim-fast version of prison reform when dealing with the lives of millions of people.

I will not apologize for demanding more from my colleagues. I will not apologize for fighting with every breath I have to secure justice for those left behind. And I will not apologize for doing my job and shedding light where we may fall short, even when we have in good faith, tried our best. We will all go home tonight. What about those that have longed for that same freedom after they've paid their debts to society. We owe it to ourselves, to the thousands of broken families, and to our society, to give each inmate that will return to our community, their best chance at success, by providing them incentives that will get them home to their families sooner also.

Even the bill's supporter at markup said in their letter, ''the bill unwisely reserves its incentivized programming for those who already pose little threat of re-offending'', for example, those that would commit the sort of crimes alleged against Kushner and others within Trump's orbit. The supporters go on to say, ''We fear that the bill's failure to direct incentivized programming to the group that needs it most will result in little or no reduction in recidivism, and, worse, that that failure will be blamed on prisoners rather than the bill's mistaken design.'' Most alarming here, is that great skepticism looms even in those who want to support this endeavor, because the reality is that the risk assessment tool is flawed.

This Kushner/Trump bill amounts to nothing more than a false sense of hope for those who will never be released, due to either lack of shelter given the significant reduction in housing, or lack of eligibility per the warden.

The wide latitude and discretion given to Sessions, a person who whole-heartedly opposes any form of effective criminal justice reform, and proponent of over-criminalization, will inevitably prove problematic for many who otherwise would benefit greatly from this measure with some modicum of oversight. We should take our time to include an independent committee that would serve as a bulwark in the development, implementation and recommendation process of such a program that will use novice and untested tools at the federal level.

Why must we rush this process? Why not take our time to produce the finest prison reform bill anywhere as the President suggested? I visited and spoke directly to guards and wardens in the BOP. They told me they are severely understaffed and safety is paramount given the shortage in staff. The Director of BOP quit, in the middle of Trump's Prison Reform Summit. All of these facts tell us to wait so that we could get it right. In NOBLE's opposition letter to this bill they write: ''a key concern is the ability of the Federal BOP and U.S. Attorney Offices to implement key elements of this legislation. In particular, it will require that U.S. Attorney Offices and BOP address their needs in staffing and funding. It is our opinion that the proposed $50 million of funding per year for five years will not support the bill's expanded programming.'' For these reasons I oppose this bill, and I encourage my colleagues to do the same.

The Act does not include a single provision that will reduce the prison time of persons who are serving unfair sentences for low-level offenses. Even supporters of the bill like FAMM states, ''sentencing reform should be included in any final justice reform package.''

The Act uses an untested and potentially racially and socially discriminatory risk assessment to identify individuals who are eligible to earn credits, which primarily depends on static factors that correlate with socioeconomic class and race, such as criminal history, to assess the risk. Therefore, it will likely fail to reduce crime or mass incarceration.

The Act's exclusions would likely have a disparate impact on racial minorities because the bill excludes individuals convicted of certain categories of offenses from redeeming credits towards early release, even if they successfully complete the program.

The Act leaves it to the discretion of prison wardens to determine who can use their credits and when.

Early release would be into a halfway house system which is so underfunded that there is no bed space. Therefore, it will be unlikely that prisoners can truly be released given the reality of the current halfway house system.

The Act gives a false sense of hope because it wraps the empty promise of prison reform around exclusions and wide breadth of discretion to a full-throated opponent to prison reform, policing reform and sentencing reform, in Jeff Sessions.

BOP already has broad authority to implement the positive provisions of the bill, but has opted not to and Sessions cannot be trusted to implement these provisions.

The FIRST STEP Act includes a list of prisoners who are ineligible for time credits if they participate in recidivism reduction programs by virtue of their convictions for certain offenses. Prisoners who are excluded from time credits are those convicted under Title 18, in the following sections:

''(i) Section 113(a)(1), relating to assault with intent to commit murder.

''(ii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(iii) Any section of chapter 10, relating to biological weapons.

''(iv) Any section of chapter 11B, relating to chemical weapons.

''(v) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(vi) Section 793, relating to gathering, transmitting, or losing defense information.

''(vii) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(viii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(ix) Section 842(p), relating to distribution of information relating to explosive, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)(2) of such title).

''(x) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xi) Section 924(e), relating to unlawful possession of a firearm by a person with 3 or more convictions for a violent felony.

''(xii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xiii) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xiv) Any section of chapter 55, relating to kidnapping.

''(xv) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1592 through 1596.

''(xvi) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xvii) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xviii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xix) Section 2113(e), relating to bank robbery resulting in death.

''(xx) Section 2118(c)(2), relating to robberies and burglaries involving controlled substances resulting in death.

''(xxi) Section 2119(3), relating to taking a motor vehicle (commonly referred to as 'carjacking') that results in death.

''(xxii) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxiii) Any section of chapter 109A, relating to sexual abuse, except that with regard to section 2244, only a conviction under subsection (c) of that section (relating to abusive sexual contact involving young children) shall make a prisoner ineligible under this subparagraph.

''(xxiv) Section 2251, relating to the sexual exploitation of children.

''(xxv) Section 2251A, relating to the selling or buying of children.

''(xxvi) Any of paragraphs (1) through (3) of section 2252(a), relating to certain activities relating to material involving the sexual exploitation of minors.

''(xxvii) A second or subsequent conviction under any of paragraphs (1) through (6) of section 2252A(a), relating to certain activities relating to material constituting or containing child pornography.

''(xxviii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xxix) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xxx) Section 2284, relating to the transportation of terrorists.

''(xxxi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(xxxii) Any section of chapter 113B, relating to terrorism.

''(xxxiii) Section 2340A, relating to torture.

''(xxxiv) Section 2381, relating to treason.

''(xxxv) Section 2442, relating to the recruitment or use of child soldiers.

The exclusions also apply to convictions under the following sections of Title 42, Title 49, Title 21, Title 8 and Title 50:

''(xxxvi) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(xxxvii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(xxxviii) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic, energy license requirement.

''(xxxix) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(xl) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(xli) Section 60123(b) of title 49, United States Code, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance, but only in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(xliii) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), 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.

''(xliv) Any section of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.)

''(xlv) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(xlvi) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

The exclusions also apply those prisoners convicted of a prior Federal or State ''serious violent felony,'' described as follows (in Title 18):

''(xlvii) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than one year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than one year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B.

Finally, prisoners may not obtain credit for participation in recidivism reduction programs if they: (1) completed recidivism reduction programming before enactment of the Act; (2) completed recidivism reduction programming during official detention before moving to Bureau of Prisons; or (3) are inadmissible or deportable under immigration law.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
Washington, DC, May 21, 2018.

VOTE ''NO'' ON THE FIRST STEP ACT

DEAR REPRESENTATIVE: On behalf of The Leadership Conference on Civil and Human Rights, and the 109 undersigned organizations, we write to urge you to vote NO on The FIRST STEP Act (H.R. 5682). While well intentioned, this bill takes a misguided approach to reforming our federal justice system. Without question, we appreciate the inclusion of some promising provisions to address some of the problems in the federal prison system, however, the Bureau of Prisons (BOP) already has broad authority to make the majority of these changes through administrative action. In sum, this bill falls short on its promise to ''meaningfully'' tackle the problems in the federal justice system—racial disparities, draconian mandatory minimum sentences, persistent overcrowding, lack of rehabilitation, and the exorbitant costs of incarceration. Decisions we make now through this bill could have deep implications for our ability to impact the abiding and deepening harms that lead to mass incarceration.

As such, we continue to have several, grave concerns with The FIRST STEP Act, including:

The Dangerous ''Risk Assessment System'': The Act purports to offer people in prison the chance to ''earn time credits'' towards early release to pre-release custody—but by building and placing a ''risk and needs assessment'' algorithm in the hands of the Attorney General—one not required to be designed or tailored for the individuals it is meant to judge—we risk embedding deep racial and class bias into decisions that heavily impact the lives and futures of federal prisoners and their families.

Researchers have shown that risk assessment tools applied in sentencing decisions in Florida—meant to predict recidivism—were twice as likely to be wrong when evaluating Black people as White people. One of the first independent studies analyzing the use of risk assessment in pretrial showed that decisionmakers using risk assessment tools—in this case, Kentucky judges—ignored their results over time, while also overseeing an increase in failures-to-appear at court and an increase in pretrial arrests. A further recent analysis showed that risk assessment tools are as accurate as a prediction made by a random human selected over the Internet.

We cannot introduce algorithmic risk assessment into the assignment of housing and release decisions or rehabilitative opportunities without sufficient transparency, independent testing for decarceral and anti-racist results prior to implementation, and regular effective oversight for not just what the tool purports to predict, but how decisionmakers in our prison system use it. The Act uses ''risk assessments'' in an untested manner. It fails to ensure transparency, independent testing, or analysis of the proposed risk assessment system or its results prior to its adoption or implementation. And again, it doesn't require the tool to be designed or tailored for the individuals it is meant to judge.

Without these things, and in the hands of the nation's most prominent proponent of a punishing, rather than a rehabilitative criminal justice system, ''risk assessments'' will further embed racism into the meting out of resources that could change prisoners' lives—like access to treatment, work, and most importantly, the ability to earn time off of a sentence.

The Overbroad List of Exclusions: The majority of people in prison will eventually be released. Categorically excluding entire groups of people from receiving early-release credits will undermine efforts to reduce prison overcrowding and improve public safety since such exclusions weaken the incentive to participate in recidivism-reduction programming. Furthermore, many of these exclusions, such as those based on immigration-related offenses, could have a disproportionate impact on people of color.

The Overbroad Discretion Provided to Attorney General Sessions: The bill gives broad authority to the Attorney General and would rely upon implementation by this administration. Despite assurances to the contrary, this administration has failed to take any active steps to improve the justice system, has dismantled existing protections, and has shown outright hostility to people of color and other historically marginalized communities. Furthermore, Attorney General Jeff Sessions is a well-known, longtime opponent of sentencing and prison reform. It would be unwise and harmful to vest so much discretion in an Attorney General so hostile to meaningful justice reform.

The Misplaced Incentive System: Effectively reducing recidivism requires targeting those most likely to reoffend with rehabilitative programming. Yet, under this bill, only ''minimum'' and ''low-risk'' prisoners would be able to redeem their earned time credits, and they would earn more credits than prisoners categorized as ''medium'' or ''high-risk.'' Given that time credits would also be subject to denial by the BOP warden and they are not real time off of a sentence but rather a flawed mechanism to transition into a decreasing number of halfway houses or to home confinement that is rarely used by BOP, the bill is unlikely to provide the incentives that would meaningfully reduce recidivism.

Allows for the privatization of certain public functions and allows private entities to profit from incarceration. The bill retains a provision that in order to expand programming and productive activities, the Attorney General shall develop policies for wardens of each BOP facility to enter into partnerships with private entities and industry-sponsored organizations.

The Absence of Appropriations for Implementation: The resources needed to expand programming authorized under the bill have not been—and may never be—appropriated. In fact, Congress could decide today, absent this legislation, that prison programming should be funded and increase the BOP's budget by $50 million a year for the next five

years. Instead, the FY19 BOP budget calls for a reduction. Furthermore, the recidivism reduction programming that currently exists in the federal prison system is grossly underfunded and not enough to serve those currently incarcerated. Therefore, without any guarantees that the necessary funding will be appropriated, this bill is an empty promise.

The Undetermined Human and Fiscal Impact: It is unclear what the fiscal impact of this bill will be, given that the Congressional Budget Office has not released a score for the bill. Moreover, it is unclear what the human impact of this bill will be, given that neither the BOP nor the U.S. Sentencing Commission has produced updated estimates on the number of people projected to be impacted by the legislation. Proponents argue that at least 4,000 people will be impacted by the good time fix alone; however, relying on that number is misleading because it is based upon data that is over a decade old. No hearings have been held and there is no CBO score available in order to explore these questions further.

The Omission of Sentencing Reform: Sentencing reform and prison reform are both important, but one will not work without the other. Meaningful reform requires both. Furthermore, advancing prison reform as a stand-alone will undermine longstanding, bipartisan efforts in the Senate to advance a comprehensive justice reform package that includes sentencing reform.

Last week, we were joined by over 70 civil rights organizations in opposing this well-intentioned, but misguided legislation at the House Judiciary Committee markup. Many of our concerns were also shared by the American Federation of Government Employees representing 33,000 federal correctional workers in the Bureau of Prisons, as well as Representatives Lewis, Jackson Lee, and Senators Durbin, Booker, and Harris in a recent Dear Colleague letter. While we appreciate the inclination to support legislation that endeavors to reform our prison system, we believe that this particular bill would do more harm than good and would have unintended consequences that ripple into the future.

Finally, if presented with one choice, ''to take what we can get now,'' then we must ensure that ''what we get'' will not perpetuate the existing harms of mass incarceration or give false hope to the men and women languishing in prison and the communities we represent. Our communities are being demonized and criminalized so we must stand firm to resist the lure of a compromise that is ultimately a false promise that may never be realized and isn't in their best interests.

For the foregoing reasons, we urge you to vote ''No'' on the FIRST STEP Act and The Leadership Conference will include your position on the bill in our voting scorecard for the 115th Congress.

Sincerely,

The Leadership Conference on Civil and Human Rights; 334 East 92nd Street Tenant Association; A. Philip Randolph Institute; African American Ministers In Action; American Civil Liberties Union; American Federation of Labor-Congress of Industrial Organizations (AFL–CIO); American Humanist Association; Arkansas United Community Coalition; Asian Americans Advancing Justice—AAJC; Asian Pacific American Labor Alliance; Association of University Centers on Disabilities (AUCD); Autistic Self Advocacy Network; Autistic Women & Nonbinary Network; Bazelon Center for Mental Health Law; Bend the Arc Jewish Action; Black Alliance for Just Immigration; Brennan Center for Justice at NYU School of Law; Buried Alive Project; Campaign for Youth Justice; Casa de Esperanza: National Latin@ Network for Healthy Families and Communities.

Center for Community Change Action; Center for Community Self-Help; Center for Law and Social Policy (CLASP); Center for Popular Democracy; Center for Responsible Lending; Coalition for Humane Immigrant Rights (CHIRLA); Coalition of Black Trade Unionists; Coalition on Human Needs; CURE (Citizens United for Rehabilitation of Errants); Defending Rights & Dissent; Demos; Disability Rights Education & Defense Fund; Drug Policy Alliance (DPA); Equal Justice Society; Equal Rights Advocates; Equality California; Equity Matters; Evangelical Lutheran Church in America; Faith Action Network—Washington State; Faith in Public Life.

Government Information Watch; Harm Reduction Coalition; Hip Hop Caucus; Hispanic Federation; Human Rights Watch; Immigrant Legal Resource Center; Indivisible; Japanese American Citizens League; Jewish Council for Public Affairs (JCPA); Justice Strategies; Juvenile Law Center; LatinoJustice PRLDEF; Law Enforcement Action Partnership; Let's Start, Inc.; Mommieactivist and Sons; MomsRising; NAACP; NAACP Legal Defense and Educational Fund, Inc.; National Action Network's Washington Bureau; National Alliance to End Sexual Violence.

National Association of Human Rights Workers; National Association of Social Worker; National Bar Association (NBA); National Black Justice Coalition; National Center for Lesbian Rights; National Coalition Against Domestic Violence; National Coalition on Black Civic Participation; National Council of Churches; National Disability Rights Network; National Education Association; National Employment Law Project; National Hispanic Media Coalition; National Immigrant Justice Center; National Immigration Law Center; National Immigration Project of the National Lawyers Guild; National Juvenile Justice Network; National LGBTQ Task Force Action Fund; National Organization for Women; National Organization of Black Law Enforcement Executives (NOBLE); National Religious Campaign Against Torture.

NETWORK Lobby for Catholic Social Justice; Pennsylvania Immigration and Citizenship Coalition; People For the American Way (PFAW); PFLAG National; Prison Policy Initiative; Safer Foundation; Sargent Shriver National Center on Poverty Law; Service Employees International Union (SEIU); Sikh American Legal Defense and Education Fund (SALDEF); Southeast Asia Resource Action Center (SEARAC); Southern Poverty Law Center (SPLC); Students for Sensible Drug Policy; The Center for Media Justice; The Daniel Initiative; The Decarceration Collective.

The National Council for Incarcerated and Formerly Incarcerated Women and Girls; The United Church of Christ; The United Methodist Church—General Board of Church and Society; T'ruah: The Rabbinic Call for Human Rights; UndocuBlack Network; UnidosUS; Union for Reform Judaism; United Church of Christ, Local Church Ministries; United Church of Christ, Justice and Witness Ministries; United We Dream; V-Day and One Billion Rising; Washington Lawyers' Committee for Civil Rights & Urban Affairs; We Belong Together; Woodhull Freedom Foundation; World Without Genocide.

THE SENTENCING PROJECT,
Washington, DC, May 21, 2018.

Re FIRST STEP Act, H.R. 5682, falls far short of meaningful criminal justice reform.

Hon. PAUL D. RYAN,
House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
House of Representatives,
Washington, DC.
Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.
Hon. CHARLES E. SCHUMER,
U.S. Senate,
Washington, DC.

DEAR SPEAKER RYAN, MAJORITY LEADER MCCONNELL AND MINORITY LEADERS PELOSI AND SCHUMER: As Congress prepares to consider the FIRST STEP Act, I write to express The Sentencing Project's significant concerns regarding the bill's deficiencies in addressing the overcrowding, staffing and programming crisis within the Bureau of Prisons (BOP). Reform of the federal prison and sentencing system is long overdue and The Sentencing Project has been at the forefront of promoting comprehensive recommendations to ensure a more humane, fair and proportional system for more than two decades.

Unfortunately, H.R. 5683 falls short of these objectives in two key areas. First, it would divert limited resources for programming by requiring a complex risk assessment process that would primarily benefit people deemed at a low or minimal risk of recidivating. Second, without provisions in the bill to reduce the excessive sentencing produced by mandatory minimums for drug offenses, overcrowding will persist and thereby divert resources from programs to reduce recidivism.

The federal prison system currently operates at 14 percent above capacity, and at higher rates at high and medium security institutions, 24 percent and 18 percent respectively. Along with an ''inmate to correctional officer'' ratio among the highest in the country at 8.9 to 1, prison safety concerns are at critical levels. Indeed, the rate for some types of assaults in federal prisons has steadily increased since 2014. In order to successfully reform the federal prison system, including improving conditions of confinement in areas such as medical and mental health care, and to comprehensively rehabilitate instead of warehouse the people confined within, Congress should adopt policies to reduce the population, invest in correctional and programming staff, and fully fund programming for all incarcerated people.

H.R. 5682 would authorize only $50 million per year to carry out the bill's mandates to create a risk assessment tool to determine earned time credit eligibility, and expand programming and community corrections capacity. While The Sentencing Project supports the bill sponsors' stated intentions to reform prisons, their promises of change ring hollow. For example, the bill excludes thousands of people in prison from benefiting from the programming incentives that allow for earlier transition into community corrections. By doing so it conflicts with research that demonstrates that prison programming and associated incentives are most cost-effective when provided to the highest risk groups.

Current authorization levels will only scratch the surface in overcoming the huge deficit of programming at the BOP. Indeed, the waiting list for the BOP's literacy program alone is 16,000. Moreover, because of overcrowding and staff shortages, many programming staff are regularly required to

augment correctional officer duties, resulting in fewer programming opportunities. This staffing shortage may partly explain why the number of people completing their GED dropped by 59 percent between FY2016 and FY2017. Congress must take more determined and thoughtful steps to change this dire situation.

The Sentencing Project is pleased by the growing bipartisan consensus among lawmakers to prioritize change in the nation's criminal justice system. We will continue to be a part of this conversation and look forward to strengthening effective bipartisan reforms to achieve shared goals of justice, fairness and safety.

Sincerely,

MARC MAUER,
Executive Director.

[From the Washington Post, May 21, 2018]

THERE'S SOMETHING HUGE MISSING FROM THE WHITE HOUSE'S PRISON BILL

(By Eric H. Holder Jr.)

Over the past decade, Republicans and Democrats across the country have joined forces to advocate for a fairer, more effective criminal-justice system—one that would keep us safe while reducing unnecessary mass incarceration. At the heart of that effort has been an attempt to reduce overly punitive sentences that fill our prisons for no discernible public-safety rationale.

But now the Trump administration is pushing a misguided legislative effort—likely to be voted on in the House this week—that threatens to derail momentum for sentencing reform. The bill is a tempting half-measure, but lawmakers should resist the lure. The chance to implement real, comprehensive reform may not come again any time soon.

It's easy to miss, but the push for bipartisan sentencing reform has slowly been gaining strength. It was nothing short of remarkable when Sen. Charles E. Grassley (R–Iowa) led the Senate Judiciary Committee this past February to approve a measure that would revise the federal government's outdated federal mandatory minimum sentences. Grassley's move—in direct defiance of the administration—was the most significant legislative step toward federal criminal-justice reform in decades.

Unfortunately, this progress has hit a roadblock with the Trump administration's modest prison reform bill, called the First Step Act. The bill seeks to improve prison conditions—such as by requiring that inmates be housed within 500 driving miles of their families and by prohibiting shackles on pregnant women. It also includes education, job training and other personal development programs, as well as a system of incentives to participate in the programs. These narrow reforms are important, but they do not require congressional action, nor do they deliver the transformative change we need. The only way to do that is by amending the bill to include comprehensive, bipartisan sentencing reform.

Why is this so important? The statistics are stark and, by now, well-known. The United States has 5 percent of the world's population, but 25 percent of its prisoners. Mass incarceration is a core civil rights struggle for this generation: One in three black men will be behind bars at some point, a disparity that perpetuates underemployment in the black community and contributes to the racial wealth gap. The system is hugely expensive and ultimately unfair. And it is not necessary to prevent and punish crime.

It is impossible to right this wrong unless we send the right people to prison for appropriate lengths of time. That starts by making sure that federal prison sentences are smart on crime rather than thoughtlessly ''tough.'' The Justice Department worked toward that goal when I led the agency under President Barack Obama, blunting the impact of harsh mandatory minimum sentences by directing federal prosecutors to seek lower charges when possible. It worked. The federal prison population dropped while the nation continued to experience near-record-low crime rates.

As Grassley's support shows, this is not just a priority for Democrats. He worked with Sen. Richard J. Durbin (D–Ill.) and others to advance the Sentencing Reform and Corrections Act, which would reduce some mandatory minimum sentences. The bill failed in 2016 as a victim of election-year politics, but when Grassley doggedly brought it up again in February, it passed through the committee by a vote of 16 to 5, with support from several members of his own party.

Republicans and Democrats are enacting bold sentencing reforms at the state level, too. Texas, Oklahoma and Massachusetts are just a few of the states that have made changes to cut back on overly punitive mandatory minimum sentences.

Unfortunately, the White House has different ideas. President Trump warned of ''American carnage'' in his inaugural address, and Attorney General Jeff Sessions has stoked false and misleading claims of rising crime. Bowing to the president's most extreme allies, the White House has put forward the First Step Act, which leaves out sentencing reform entirely.

By choosing a tepid approach, the prison bill abandons years of work and risks making it harder for Congress to advance more serious legislation in the future. Meaningful sentencing reform will be less likely to occur if the narrow prison bill is enacted.

Fortunately, lawmakers have time to change course. They can ensure that any legislation includes sentencing reform, on which there is such strong consensus. Progressive lawmakers in particular should fight to extend, not abandon, the Obama administration's criminal-justice legacy. Conservative allies such as Grassley have stepped forward for a shared strategy and needed policies; Democrats should stand with them.

Nobody is under any illusions: Criminal-justice reform is hard. The White House might scuttle the bill entirely, and wavering members of Congress might balk. But to reform America's prisons, we must change the laws that send people to them in the first place. Anything less represents a failure of leadership.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I am prepared to close if the other side is, and I yield myself the balance of my time.

Mr. Speaker, in spite of the good intentions of this bill, I believe the restrictions in the incentive system it would create with respect to recidivism reduction programming could compound the injustices that occur at earlier stages of the criminal justice process; that its approval would lessen the odds of achieving sentencing reform; and that, on balance, the negatives outweigh the positives of this bill.

A broad spectrum of dozens of civil rights and other organizations agree and oppose this bill, including the Leadership Conference on Civil and Human Rights, the ACLU, the NAACP, the NAACP Legal and Education Defense Fund, the American Federation of Federal Government Employees Council of Prison Locals, the National Immigration Law Center, and Human Rights Watch.

For the reasons I have outlined today, I reluctantly oppose H.R. 5682 and ask that my colleagues do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I urge my colleagues on the other side of the aisle to not oppose this very important piece of legislation before us today. It appears their opposition to the legislation is based upon what is not in the legislation rather than what is actually in it. I don't believe there is a single provision in the bill that they oppose.

□ 1345

In fact, many of the provisions in this bill are there because they specifically asked for them. For example, Democrats asked for a fix to the way the Bureau of Prisons calculates good time credit. We made changes to clarify congressional intent on that section.

They also asked for language on the risk assessments to ensure that dynamic factors were used to evaluate a prisoner's risk of recidivating. That request was honored. Various pilot programs and a prohibition of shackling pregnant inmates were also placed in the legislation at the request of Democrats. Good requests, good changes, and these are only a few of the many requests that were honored.

Voting against this meaningful and important bill is a disservice to those men and women currently incarcerated and their families. It is a disservice to those great men and women who work in our Bureau of Prisons, and it is a disservice to the American people.

The vast majority of those incarcerated are going to get out one day. Let's make sure they have the tools and the resources to successfully reenter society. H.R. 5682 does just that.

I urge my colleagues to support the FIRST STEP Act, and I yield back the balance of my time.

Ms. DEGETTE. Mr. Speaker, I rise today in opposition of H.R. 5682, the FIRST STEP Act. While I support several provisions in the legislation, including prohibiting shackling of pregnant inmates, requiring that individuals be incarcerated closer to their families, and clarifying good time calculations, I cannot support other provisions of the legislation.

I strongly believe the House should be working to ensure that once convicted individuals have paid their debt to society they have the skills and support to reintegrate into society, but this bill puts in place too many barriers to that goal.

The bill excludes undocumented individuals, including those who remained in the United States longer than authorized from the recidivism reduction programming. Worse, the bill also excludes some lawful permanent residents from the program and could trigger their

removal. The bill also excludes those who have been convicted of drug crimes, including marijuana related convictions.

Given that immigrant and minority communities make up a disproportionate share of immigration and drug related offenders in the criminal justice system, these exclusions will by their very nature exclude those who most need the benefits of the bill.

Finally, any conversation about reducing recidivism must include sentencing reform that would keep low risk nonviolent offenders out of prison in the first place and address our draconian federal mandatory minimum laws.

Mr. Speaker, we can do better, and we must do better if we are to address this issue.

Mr. SCOTT of Virginia. Mr. Speaker, first I would like to acknowledge the gentleman from Georgia, Representative DOUG COLLINS, and the gentleman from New York, Representative HAKEEM JEFFRIES, for their hard work and dedication in improving this bill over the last several weeks.

Historically, the United States of America has been plagued with serious, fundamental problems within our criminal justice system. For far too long, policymakers have chosen to play politics and disapprove of commonsense policy that is specifically geared towards reducing crime by instead enacting so-called ''tough on crime'' slogans and soundbites, such as ''three strikes and you're out,'' ''mandatory minimum sentencing,'' and even rhymes such as, ''you do the adult crime, you do the adult time.'' These policies may sound appealing, but their impact ranges from a negligible reduction in crime to an actual increase in crime.

Turning to the bill we are debating today, I recognize that the FIRST STEP Act includes a fix to the calculation of good time credit, which I have sought for many years. Calculating good time credit as Congress had originally intended is a serious improvement made by this bill. This bill also improves the auditing process for enforcing the Prison Rape Elimination Act (PREA) to protect prisoners from sexual assault. It places prohibitions on shackling pregnant and post-partum women. The bill expands the use and transparency of compassionate release for terminally ill prisoners. It also requires the federal Bureau of Prisons to house prisoners closer to their primary residence, so they can maintain ties to their family and community. And there is a significant investment in programs designed to reduce recidivism.

But process is essential to crafting an effective bill. There were no hearings on this bill. Nor has a CBO score been done. Nor has a prison impact analysis been prepared. And it is obvious that experts had little to do with drafting the bill. As a result of this process, there are several problems with the bill. First, the version of the bill we are voting on today is unnecessarily complicated by the use of a risk assessment tool. I have reached out to experts in the field of prison reform, and I have not found anyone who will say that risk assessment tools should be used to determine which prisoners can use time credits to gain early release from prison. Instead, they suggest that simply increasing programming for everyone will reduce recidivism and the complicated risk assessments are unnecessary and will stand in the way of reducing recidivism for many prisoners. The risk assessment process may also exacerbate existing racial disparities in the federal prison system.

Second, experts have raised serious concerns about excluding groups of prisoners from this program who we know will be released from prison and therefore should be involved in the program.

Third, there are questions of cost and funding. The Bureau of Prisons has cut contracts with halfway houses and terminated 6,000 correctional officers. This bill cannot achieve its goals without an adequately staffed prison system, as well as sufficient space at halfway houses.

Even in the absence of hearings and experts, we can see that some of the opposition to this bill is almost comical, because it is lodged by advocates who support other legislation that carries the same provisions that are either similar to or worse than what they complain about in the FIRST STEP Act. Others oppose the bill because it does not include sentencing reform and therefore does not address mass incarceration. Unfortunately, the bill those advocates hold up as ''sentencing reform'' fails to make any meaningful reduction in mass incarceration, and may in fact add to mass incarceration.

It is in the context of this absurd process that we have to vote on this legislation. Unfortunately, without the appropriate analysis, we can only guess about its impact. Based on that guess, it is my determination that no prisoner will be worse off, but many may be significantly better off, under the FIRST STEP Act. I expect that public safety will be enhanced by this bill, because more people will receive programming to reduce their likelihood to commit future crimes. Although this is a shameful process, I will therefore support the bill.

Mr. Speaker, as the process moves forward, I hope that the sponsors of this legislation will continue to improve it, based on evidence and research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today the House is expected to consider H.R. 5682—the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act or FIRST STEP Act. This bill represents a good faith effort to improve the reintegration of incarcerated individuals back into their communities and reduce recidivism. In this political climate, we must always strive to achieve meaningful reforms wherever possible. I believe that the FIRST STEP Act will do just that and I intend to vote for this measure when it is considered on the floor.

I acknowledge that this is not a perfect bill. Very few are, if any. However, the STEP Act will offer a new opportunity for incarcerated individuals to participate in evidence-based programming to reduce their likelihood of recidivism. It is a bill that is supported by prominent civil rights and criminal justice reform organizations such as the National Urban League and the Texas Criminal Justice Coalition. It passed the House Judiciary Committee on a 25–5 vote, and I feel even more confidently about its passage on the House floor.

Mr. Speaker, there is no doubt that this Congress can do more to not only reduce recidivism through ''back-end reform,'' but also engage in ''front-end reform'' to keep individuals out of prison in the first place. However, we must consider a bill entirely on its merits and not just oppose a measure because it does not go far enough in its reforms. The FIRST STEP Act is exactly that—a first step to make meaningful and impactful changes to our prison system.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5682, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. BARLETTA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 113) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 113

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SOAP BOX DERBY RACES.

(a) IN GENERAL.—The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, soap box derby races (in this resolution referred to as the ''event''), on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on June 16, 2018, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all