AMENDMENT NO. 5834

At the request of Ms. CORTEZ MASTO, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 5834 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5852

At the request of Mrs. SHAHEEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 5852 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5855

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of amendment No. 5855 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5859

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 5859 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5861

At the request of Mr. COONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 5861 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5889

At the request of Mrs. FEINSTEIN, the names of the Senator from Iowa (Ms. ERNST), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 5889 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5896

At the request of Mr. HEINRICH, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of amendment No. 5896 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5918

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 5918 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5944

At the request of Mr. MARKEY, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of amendment No. 5944 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5946

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 5946 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 6021

At the request of Mr. OSSOFF, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of amendment No. 6021 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself and Mr. LUJÁN):

S. 5023. A bill to improve disaster assistance programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

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

S. 5023

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Agriculture Disaster Assistance Improvement Act of 2022''.

SEC. 2. EMERGENCY CONSERVATION PROGRAM.

Title IV of the Agricultural Credit Act of 1978 is amended by inserting after section 402B (16 U.S.C. 2202b) the following:

''SEC. 402C. ADDITIONAL REQUIREMENTS FOR THE EMERGENCY CONSERVATION PROGRAM.

''(a) ELIGIBILITY OF FEDERAL, STATE, AND LOCAL LAND USERS.—

''(1) IN GENERAL.—An agricultural producer eligible to receive payments under sections 401 and 402 includes a person that—

''(A) holds a permit from the Federal Government to conduct agricultural production or grazing on Federal land; or

''(B) leases land from a State or unit of local government to conduct agricultural production or grazing on that land.

''(2) EFFECT.—Nothing in this subsection authorizes the Secretary to make a payment under section 401 or 402 to a State or unit of local government.

''(b) PERMANENT IMPROVEMENTS.—Emergency measures eligible for payments under sections 401 and 402 include—

''(1) new permanent measures, including permanent water wells and pipelines; and

''(2) replacement or restoration of existing emergency measures with permanent measures, including permanent water wells and pipelines.

''(c) STREAMLINING APPLICATION PROCESS.—

''(1) WAIVER OF PUBLIC COMMENT.—During a drought emergency, as determined by the Secretary, the 30-day public comment period required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be waived with respect to an application to carry out emergency measures under section 401 or 402 on land administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this subsection as the 'Secretary of the Interior').

''(2) ACCEPTANCE OF NRCS REVIEWS.—With respect to an application to carry out emergency measures under section 401 or 402 on land administered by the Secretary of the Interior, the Secretary of the Interior may accept—

''(A) during a drought emergency, as determined by the Secretary, an archeological review conducted by the Secretary, acting through the Chief of the Natural Resources Conservation Service, for purposes of an archeological review required to be conducted;

''(B) an environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) conducted by the Secretary, acting through the Chief of the Natural Resources Conservation Service, for purposes of such an environmental review required to be conducted; and

''(C) a review under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) conducted by the Secretary, acting through the Chief of the Natural Resources Conservation Service, for purposes of such a review required to be conducted.''.

SEC. 3. EMERGENCY FOREST RESTORATION PROGRAM.

Section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively;

(B) by inserting before paragraph (3) (as so redesignated) the following:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) with respect to nonindustrial private forest land, an owner of the nonindustrial private forest land;

''(B) with respect to Federal land, a person that holds a permit from the Federal Government to conduct agricultural production or grazing on the Federal land; and

''(C) with respect to land owned by a State or a unit of local government, a person that leases land from the State or unit of local government to conduct agricultural production or grazing on that land.

''(2) ELIGIBLE LAND.—The term 'eligible land' means—

''(A) nonindustrial private forest land;

''(B) Federal land; and

''(C) land owned by a State or unit of local government.''; and

(C) in paragraph (3) (as so redesignated)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''nonindustrial private forest land'' and inserting ''eligible land''; and

(II) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) (as so redesignated), by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(iv) by adding at the end the following:

''(B) INCLUSIONS.—The term 'emergency measures' includes—

''(i) new permanent measures described in subparagraph (A), including permanent water wells and pipelines; and

''(ii) replacement or restoration of existing emergency measures with permanent measures described in subparagraph (A), including permanent water wells and pipelines.'';

(2) in subsection (b)—

(A) by striking ''an owner of nonindustrial private forest land who'' and inserting ''an eligible entity that''; and

(B) by striking ''restore the land'' and inserting ''restore eligible land'';

(3) in subsection (c)—

(A) by striking ''owner must'' and inserting ''eligible entity shall''; and

(B) by striking ''nonindustrial private forest land'' and inserting ''eligible land'';

(4) in subsection (d), by striking ''an owner of nonindustrial private forest land'' and inserting ''an eligible entity'';

(5) by redesignating subsection (e) as subsection (g); and

(6) by inserting after subsection (d) the following:

''(e) STREAMLINING APPLICATION PROCESS.—

''(1) WAIVER OF PUBLIC COMMENT.—During a drought emergency, as determined by the Secretary, the 30-day public comment period required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be waived with respect to an application to carry out emergency measures under this section on land administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this subsection as the 'Secretary of the Interior').

''(2) ACCEPTANCE OF NRCS REVIEWS.—With respect to an application to carry out emergency measures under this section on land administered by the Secretary of the Interior, the Secretary of the Interior may accept—

''(A) during a drought emergency, as determined by the Secretary, an archeological review conducted by the Secretary, acting through the Chief of the Natural Resources Conservation Service, for purposes of an archeological review required to be conducted;

''(B) an environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) conducted by the Secretary, acting through the Chief of the Natural Resources Conservation Service, for purposes of such an environmental review required to be conducted; and

''(C) a review under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) conducted by the Secretary, acting through the Chief of the Natural Resources Conservation Service, for purposes of such a review required to be conducted.

''(f) EFFECT.—Nothing in this section authorizes the Secretary to make a payment under this section to a State or unit of local government.''.

SEC. 4. LIVESTOCK FORAGE DISASTER PROGRAM.

Section 1501(c)(3)(D)(ii)(I) of the Agricultural Act of 2014 (7 U.S.C. 9081(c)(3)(D)(ii)(I)) is amended—

(1) by striking ''at least 8 consecutive'' and inserting the following: ''not less than—

''(aa) 4 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B); or

''(bb) 8 consecutive''; and

(2) in item (bb) (as so designated), by striking ''1 monthly payment'' and inserting ''2 monthly payments''.

SEC. 5. EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.

(a) IN GENERAL.—Section 1501(d) of the Agricultural Act of 2014 (7 U.S.C. 9081(d)) is amended—

(1) in paragraph (1), by inserting ''drought,'' after ''adverse weather,'';

(2) in paragraph (2), by inserting ''adverse weather or drought (such as added transportation costs, feed costs, and reduced honey crops for eligible producers of honey bees),'' after ''disease,'';

(3) in paragraph (4)—

(A) by striking ''In the case'' and inserting the following:

''(A) IN GENERAL.—In the case''; and

(B) by adding at the end the following:

''(B) REQUIREMENTS.—The payment rate under subparagraph (A) shall—

''(i) in the case of eligible producers of honey bees, incorporate per-hive and per-colony rates of loss; and

''(ii) incorporate a standardized expected mortality rate of 15 percent.''; and

(4) by adding at the end the following:

''(5) DOCUMENTATION.—

''(A) IN GENERAL.—Any requirements for the submission of documentation by an eligible producer to receive a payment under this subsection shall be consistent nationwide.

''(B) PRODUCERS OF HONEY BEES.—The Secretary, in consultation with eligible producers of honey bees, shall establish a standard, for purposes of this subsection, for—

''(i) collecting data; and

''(ii) setting an annual rate for replacing colonies and hives of honey bees.''.

(b) APPLICABILITY TO PRODUCERS OF HONEY BEES.—The Secretary of Agriculture shall apply the amendments made by subsection (a) to producers of honey bees such that there is no limit on the size of a beekeeping operation with respect to those amendments.

SEC. 6. DROUGHT MONITOR INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an interagency working group (referred to in this section as the ''working group'') to improve the availability of consistent, accurate, and reliable data for use in producing the United States Drought Monitor in accordance with section 12512 of the Agriculture Improvement Act of 2018 (7 U.S.C. 5856).

(b) MEMBERSHIP.—The working group shall consist of not fewer than—

(1) 3 representatives from the Department of Agriculture, including 1 representative from each of—

(A) the Office of the Chief Economist, who shall serve as the Chair of the working group;

(B) the Forest Service; and

(C) the Farm Service Agency;

(2) 4 representatives from the National Oceanic and Atmospheric Administration, including 1 representative from each of—

(A) the Climate Prediction Center;

(B) the National Centers for Environmental Information;

(C) the National Integrated Drought Information System; and

(D) the National Mesonet Program;

(3) 1 representative from the National Drought Mitigation Center;

(4) 1 representative from the Department of the Interior; and

(5) 3 representatives from mesonet programs in States—

(A) that have experienced severe drought, as determined by the United States Drought Monitor, in not less than 5 calendar years during the period of calendar years 2012 through 2021; and

(B) more than 50 percent of the land area of which is designated by the Economic Research Service as a Level 1 frontier and remote area.

(c) DUTIES.—The working group shall—

(1) develop a means for the inclusion of additional in-situ data into the process of developing the United States Drought Monitor, including—

(A) determining minimum requirements for data to be included in the United States Drought Monitor;

(B) identifying data available from other government agencies, including through portals managed by the National Oceanic and Atmospheric Administration; and

(C) identifying gaps in coverage and determining solutions to address those gaps;

(2) identify and address potential barriers to the use of existing data, including—

(A) identifying Federal datasets that would be of immediate use in developing the United States Drought Monitor where access is restricted to some or all authors of the United States Drought Monitor; and

(B) developing proposed accommodations, modifications to contractual agreements, or updates to interagency memoranda of understanding to allow for incorporation of datasets identified under subparagraph (A);

(3) develop an open and transparent methodology for vetting data products developed using remote sensing or modeling;

(4) if determined appropriate by the working group, develop a methodology for inclusion of data that may otherwise be excluded from the United States Drought Monitor due to shorter periods of record; and

(5) identify and address any other issues relating to data availability and quality, as determined appropriate by the Chair of the working group.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Interior, and the relevant committees of Congress a report containing recommendations for changes in policies, regulations, guidance documents, or existing law to meet the objectives described in subsection (c).

(2) DEFINITION OF RELEVANT COMMITTEES OF CONGRESS.—In this subsection, the term ''relevant committees of Congress'' means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Agriculture of the House of Representatives; and

(D) the Committee on Science, Space, and Technology of the House of Representatives.

(e) ACTION BY THE SECRETARY.—Not later than 180 days after the date of submission of the report under subsection (d), the Secretary of Agriculture, in coordination with the Secretary of Commerce and the Secretary of the Interior, shall incorporate, to the extent practicable, the recommendations of the working group to improve the United States Drought Monitor in accordance with section 12512 of the Agriculture Improvement Act of 2018 (7 U.S.C. 5856).

(f) TERMINATION.—The working group shall terminate on the date that is 90 days after the date on which the report is submitted under subsection (d).

SEC. 7. ALIGNMENT OF FARM SERVICE AGENCY AND FOREST SERVICE DROUGHT RESPONSE.

(a) IN GENERAL.—Not later than 60 days after the date of submission of the report under section 6(d), the Administrator of the Farm Service Agency and the Chief of the Forest Service shall enter into a memorandum of understanding to better align drought response activities of the Farm Service Agency and the Forest Service (referred to in this section as the ''agencies'').

(b) CONTENTS.—The memorandum of understanding entered into under subsection (a) shall include—

(1) a commitment to better align practices of the agencies with respect to determining the severity of regional drought conditions;

(2) a strategy for amending those determinations to ensure consistent policy with respect to drought response in cases where the agencies are making inconsistent determinations within the same spatial scale;

(3) an agreement to utilize, to the extent practicable, the United States Drought Monitor in making those determinations; and

(4) an agreement to provide consistent information to grazing permittees, operators, and other stakeholders affected by determinations relating to drought.

By Mr. DURBIN (for himself, Mr. COONS, Mr. BOOKER, Mr. LEAHY, Mr. SCHATZ, Mr. MURPHY, and Ms. WARREN):

S. 5038. A bill to reform the use of solitary confinement and other forms of restrictive housing in the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, last month, Attorney General Garland made one of his most important decisions yet as head of the Justice Department: He appointed a new Director to the Federal Bureau of Prisons.

Now, why is that a big deal? Because for years, the Bureau of Prisons—which is charged with care of more than 140,000 adults in custody—has been plagued by corruption, chronic mismanagement, and misconduct reaching all the way to the top of the Agency. Under the former Director—Michael Carvajal—the Bureau of Prisons turned a blind eye to numerous allegations of sexual abuse, criminal conduct, and even torture and murder. Time and again, former Director Carvajal refused to hold his own employees accountable, and he repeatedly failed to implement much-needed reforms to our Federal prison system. These failures not only jeopardized the lives of adults being held in Federal custody—but also the lives of the nearly 35,000 Americans who work in BOP facilities every day.

Fortunately, as of last month, the Bureau finally has a chance at a fresh start. Earlier today, the Judiciary Committee welcomed the Bureau's newly appointed Director, Colette Peters, who testified about her vision for America's Federal prison system. And based on her testimony, I am hopeful that her leadership will mark a critical turning point for the Bureau of Prisons. Director Peters shares my belief that the top priority for the Bureau can be summed up in one word: reform.

She is a reform-minded leader who is committed to clearing out the bureaucratic rot that has festered for far too long. And unlike her predecessor, Director Peters has not spent her career climbing the rungs within the Bureau's bureaucracy. She has been putting in the work of building a better justice system in her home State of Oregon.

Over the past decade, Director Peters served as the head of Oregon's Department of Corrections. In this role, she pioneered a new model for the State's correctional system—one that, I hope, she will bring to the Bureau of Prisons—she calls it ''The Oregon Way.'' The Oregon Way is centered around ''prioritizing employee health and well-being by normalizing the correctional environment and, in turn, improving the outcomes for incarcerated people.''

Director Peters was inspired to develop this model after she traveled to Norway, where she visited six of the country's prisons. She saw for herself how a rehabilitation-focused prison system can help prepare incarcerated people for successful reentry into society—and ultimately reduce recidivism rates.

And as director of Oregon's Department of Corrections, she implemented some promising reforms to the State's prisons, like dismantling death row and rearranging housing areas to prevent correctional officers from spending long shifts alone.

Director Peters' vision for a rehabilitative, humane correctional system is exactly what the Bureau of Prisons needs at this moment. But let's also be clear: The grave, systemic problems within the Agency won't end with the appointment of a new Director.

This challenge is far too complex for any one person to solve—no matter how noble their intentions may be. And as chair of the Senate Judiciary Committee, I give the American people my word: We will be watching the Bureau like a hawk. Our oversight role has never been more important.

That is why yesterday—in anticipation of her appearance before the Judiciary Committee—Representative DAVID TRONE and I led a number of our colleagues in sending Director Peters a letter.

In it, we urged her to take immediate action in reducing the use of restrictive housing, also known as solitary confinement. It should be one of the first steps she takes as Director. Appallingly, the Bureau of Prisons has made a habit of throwing prisoners into solitary confinement, an almost medieval practice that should be, in the words of the Justice Department, ''used rarely, applied fairly, and subjected to reasonable constraints.''

But former Director Carvajal repeatedly ignored that recommendation, and right now, on any given day, more than 10,000 people within BOP—nearly 8 percent of the entire Federal prison population—are being held in some form of solitary confinement. That is inhumane—and unconscionable.

Ten years ago, I chaired the first-ever congressional hearing on solitary confinement. One of the witnesses was an exonerated formerly incarcerated person named Anthony Graves. He was wrongfully convicted for a murder he did not commit. During his time in prison, Mr. Graves—an innocent man—spent 16 years in solitary confinement. Imagine that: being held in isolation, in a cage the fraction of the size of this Senate floor, for 16 years.

Mr. Graves told the members of the committee, ''Solitary confinement does one thing, it breaks a man's will to live. . . . I have been free for almost two years and I still cry at night, because no one out here can relate to what I have gone through.'' ''I battle with feelings of loneliness. I've tried therapy but it didn't work.''

I know that Director Peters understands that solitary confinement can cause severe mental anguish for adults in custody. As director of the Oregon Department of Corrections, she made important progress in reducing the use of restrictive housing in facilities across the State. I trust that she will work to do the same at BOP.

After that 2012 hearing, the Obama administration took some encouraging steps to reform and reduce the use of restricted housing in the Federal prison system. Unfortunately, under the Trump administration, that progress stalled, and the rate of individuals in solitary confinement steadily increased. The Biden administration has committed to addressing this, and Director Peters made clear today that it will be one of her priorities.

But it is also the responsibility of lawmakers in Congress to improve our Nation's laws regarding the use of solitary confinement and ensure that a change in administrations will never

again lead to an increase in this harmful practice.

Today, I am reintroducing a piece of legislation—with my friend and fellow committee member CHRIS COONS—that does just that: the Solitary Confinement Reform Act. We first introduced this bill back in 2016, and we have reintroduced it in every Congress since. That is how important it is. It will require the Bureau of Prisons to limit the use of solitary to the briefest terms—under the least restrictive conditions possible. And it will improve access to mental health care services for individuals who have been held in solitary.

As we turn a new page at the Bureau of Prisons with Director Peters, I can think of no better way to begin reforming the agency than by passing the Solitary Confinement Reform Act. Let's finally build a justice system that actually rehabilitates adults in custody and prepares them for successful reentry into society.

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

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

S. 5038

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Solitary Confinement Reform Act''.

SEC. 2. SOLITARY CONFINEMENT REFORMS.

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

''§ 4052. Solitary confinement

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE MAXIMUM FACILITY.—The term 'administrative maximum facility' means a maximum-security facility, including the Administrative Maximum facility in Florence, Colorado, designed to house inmates who present an ongoing significant and serious threat to other inmates, staff, and the public.

''(2) ADMINISTRATIVE SEGREGATION.—The term 'administrative segregation' means a nonpunitive form of solitary confinement that removes an individual from the general population of a correctional facility for—

''(A) investigative, protective, or preventative reasons resulting in a substantial and immediate threat; or

''(B) transitional reasons, including a pending transfer, pending classification, or other temporary administrative matter.

''(3) APPROPRIATE LEVEL OF CARE.—The term 'appropriate level of care' means the appropriate treatment setting for mental health care that an inmate with mental illness requires, which may include outpatient care, emergency or crisis services, day treatment, supported residential housing, infirmary care, or inpatient psychiatric hospitalization services.

''(4) DIRECTOR.—The term 'Director' means the Director of the Bureau of Prisons.

''(5) DISCIPLINARY HEARING OFFICER.—The term 'disciplinary hearing officer' means an employee of the Bureau of Prisons who is responsible for conducting disciplinary hearings for which solitary confinement may be a sanction, as described in section 541.8 of title 28, Code of Federal Regulations, or any successor thereto.

''(6) DISCIPLINARY SEGREGATION.—The term 'disciplinary segregation' means a punitive form of solitary confinement imposed only by a disciplinary hearing officer as a sanction for committing a significant and serious disciplinary infraction.

''(7) INTELLECTUAL DISABILITY.—The term 'intellectual disability' means a significant mental impairment characterized by significant limitations in both intellectual functioning and in adaptive behavior.

''(8) MULTIDISCIPLINARY STAFF COMMITTEE.—The term 'multidisciplinary staff committee' means a committee—

''(A) made up of staff at the facility where an inmate resides who are responsible for reviewing the initial placement of the inmate in solitary confinement and any extensions of time in solitary confinement; and

''(B) which shall include—

''(i) not less than 1 licensed mental health professional;

''(ii) not less than 1 medical professional; and

''(iii) not less than 1 member of the leadership of the facility.

''(9) ONGOING SIGNIFICANT AND SERIOUS THREAT.—The term 'ongoing significant and serious threat' means an ongoing set of circumstances that require the highest level of security and staff supervision for an inmate who, by the behavior of the inmate—

''(A) has been identified as assaultive, predacious, riotous, or a serious escape risk; and

''(B) poses a great risk to other inmates, staff, and the public.

''(10) PROTECTION CASE.—The term 'protection case' means an inmate who, by the request of the inmate or through a staff determination, requires protection, as described by section 541.23(c)(3) of title 28, Code of Federal Regulations, or any successor thereto.

''(11) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

''(12) SIGNIFICANT AND SERIOUS DISCIPLINARY INFRACTION.—The term 'significant and serious disciplinary infraction' means—

''(A) an act of violence that either—

''(i) resulted in or was likely to result in serious injury or death to another; or

''(ii) occurred in connection with any act of nonconsensual sex;

''(B) an escape, attempted escape, or conspiracy to escape from within a security perimeter or custody, or both; or

''(C) possession of weapons, possession of illegal narcotics with intent to distribute, or other similar, severe threats to the safety of the inmate, other inmates, staff, or the public.

''(13) SOLITARY CONFINEMENT.—The term 'solitary confinement' means confinement characterized by substantial isolation in a cell, alone or with other inmates, including administrative segregation, disciplinary segregation, and confinement in any facility designated by the Bureau of Prisons as a special housing unit, special management unit, or administrative maximum facility.

''(14) SPECIAL ADMINISTRATIVE MEASURES.—The term 'special administrative measures' means reasonably necessary measures used to—

''(A) prevent disclosure of classified information upon written certification to the Attorney General by the head of an element of the intelligence community (as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) that the unauthorized disclosure of such information would pose a threat to the national security and that there is a danger that the inmate will disclose such information, as described by section 501.2 of title 28, Code of Federal Regulations, or any successor thereto; or

''(B) protect persons against the risk of death or serious bodily injury, upon written notification to the Director by the Attorney General or, at the Attorney General's direction, by the head of a Federal law enforcement agency, or the head of an element of the intelligence community (as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), that there is a substantial risk that the communications of an inmate or contacts by the inmate with other persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons, as described by section 501.3 of title 28, Code of Federal Regulations, or any successor thereto.

''(15) SPECIAL HOUSING UNIT.—The term 'special housing unit' means a housing unit in an institution of the Bureau of Prisons in which inmates are securely separated from the general inmate population for disciplinary or administrative reasons, as described in section 541.21 of title 28, Code of Federal Regulations, or any successor thereto.

''(16) SPECIAL MANAGEMENT UNIT.—The term 'special management unit' means a nonpunitive housing program with multiple, step-down phases for inmates whose history, behavior, or situation requires enhanced management approaches in order to ensure the safety of other inmates, the staff, and the public.

''(17) SUBSTANTIAL AND IMMEDIATE THREAT.—The term 'substantial and immediate threat' means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the safety of an inmate, other inmates, staff, or the public.

''(b) USE OF SOLITARY CONFINEMENT.—

''(1) IN GENERAL.—The placement of a Federal inmate in solitary confinement within the Bureau of Prisons or any facility that contracts with the Bureau of Prisons to provide housing for inmates in Federal custody shall be limited to situations in which such confinement—

''(A) is limited to the briefest term and the least restrictive conditions practicable, including not less than 4 hours of out-of-cell time every day, unless the inmate poses a substantial and immediate threat;

''(B) is consistent with the rationale for placement and with the progress achieved by the inmate;

''(C) allows the inmate to participate in meaningful programming opportunities and privileges as consistent with those available in the general population as practicable, either individually or in a classroom setting;

''(D) allows the inmate to have as much meaningful interaction with others, such as other inmates, visitors, clergy, or licensed mental health professionals, as practicable; and

''(E) complies with the provisions of this section.

''(2) TRANSITIONAL PROCESS FOR INMATES IN SOLITARY CONFINEMENT.—

''(A) INMATES WITH UPCOMING RELEASE DATES.—The Director shall establish—

''(i) policies to ensure that an inmate with an anticipated release date of 180 days or less is not housed in solitary confinement, unless—

''(I) such confinement is limited to not more than 5 days of administrative segregation relating to the upcoming release of the inmate; or

''(II) the inmate poses a substantial and immediate threat; and

''(ii) a transitional process for each inmate with an anticipated release date of 180 days

or less who is held in solitary confinement under clause (i)(II), which shall include—

''(I) substantial re-socialization programming in a group setting;

''(II) regular mental health counseling to assist with the transition; and

''(III) re-entry planning services offered to inmates in a general population setting.

''(B) INMATES IN LONG-TERM SOLITARY CONFINEMENT.—The Director shall establish a transitional process for each inmate who has been held in solitary confinement for more than 30 days and who will transition into a general population unit, which shall include—

''(i) substantial re-socialization programming in a group setting; and

''(ii) regular mental health counseling to assist with the transition.

''(3) PROTECTIVE CUSTODY UNITS.—The Director—

''(A) shall establish within the Federal prison system additional general population protective custody units that provide sheltered general population housing to protect inmates from harm that they may otherwise be exposed to in a typical general population housing unit;

''(B) shall establish policies to ensure that an inmate who is considered a protection case shall, upon request of the inmate, be placed in a general population protective custody unit;

''(C) shall create an adequate number of general population protective custody units to—

''(i) accommodate the requests of inmates who are considered to be protection cases; and

''(ii) ensure that inmates who are considered to be protection cases are placed in facilities as close to their homes as practicable; and

''(D) may not place an inmate who is considered to be a protection case in solitary confinement due to the status of the inmate as a protection case unless—

''(i) the inmate requests to be placed in solitary confinement, in which case, at the request of the inmate the inmate shall be transferred to a general population protective custody unit or, if appropriate, a different general population unit; or

''(ii) such confinement is limited to—

''(I) not more than 5 days of administrative segregation; and

''(II) is necessary to protect the inmate during preparation for transfer to a general population protective custody unit or a different general population unit.

''(4) VULNERABLE POPULATIONS.—The Bureau of Prisons or any facility that contracts with the Bureau of Prisons shall not place an inmate in solitary confinement if—

''(A) the inmate has a serious mental illness, has an intellectual disability, has a physical disability that a licensed medical professional finds is likely to be exacerbated by placement in solitary confinement, is pregnant or in the first 8 weeks of the postpartum recovery period after giving birth, or has been determined by a licensed mental health professional to likely be significantly adversely affected by placement in solitary confinement, unless—

''(i) the inmate poses a substantial and immediate threat;

''(ii) all other options to de-escalate the situation have been exhausted, including less restrictive techniques such as—

''(I) penalizing the inmate through loss of privileges;

''(II) speaking with the inmate in an attempt to de-escalate the situation; and

''(III) a licensed mental health professional providing an appropriate level of care;

''(iii) such confinement is limited to the briefest term and the least restrictive conditions practicable, including access to medical and mental health treatment;

''(iv) such confinement is reviewed by a multidisciplinary staff committee for appropriateness every 24 hours; and

''(v) as soon as practicable, but not later than 5 days after such confinement begins, the inmate is diverted, upon release from solitary confinement, to—

''(I) a general population unit;

''(II) a protective custody unit described in paragraph (3); or

''(III) a mental health treatment program as described in subsection (c)(2);

''(B) the inmate is lesbian, gay, bisexual, transgender (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), intersex (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), or gender nonconforming (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), when such placement is solely on the basis of such identification or status; or

''(C) the inmate is HIV positive, if the placement is solely on the basis of the HIV positive status of the inmate.

''(5) SPECIAL HOUSING UNITS.—The Director shall—

''(A) limit administrative segregation—

''(i) to situations in which such segregation is necessary to—

''(I) control a substantial and immediate threat that cannot be addressed through alternative housing; or

''(II) temporarily house an inmate pending transfer, pending classification, or pending resolution of another temporary administrative matter; and

''(ii) to a duration of not more than 15 consecutive days, and not more than 20 days in a 60-day period, unless—

''(I) the inmate requests to remain in administrative segregation under paragraph (3)(D)(i); or

''(II) in order to address the continued existence of a substantial and immediate threat, a multidisciplinary staff committee approves a temporary extension, which—

''(aa) may not be longer than 15 days; and

''(bb) shall be reviewed by the multidisciplinary staff committee every 3 days during the period of the extension, in order to confirm the continued existence of the substantial and immediate threat;

''(B) limit disciplinary segregation—

''(i) to situations in which such segregation is necessary to punish an inmate who has been found to have committed a significant and serious disciplinary infraction by a disciplinary hearing officer and alternative sanctions would not adequately regulate the behavior of the inmate; and

''(ii) to a duration of not more than 30 consecutive days, and not more than 40 days in a 60-day period, unless a multidisciplinary staff committee, in consultation with the disciplinary hearing officer who presided over the inmate's disciplinary hearing, determines that the significant and serious disciplinary infraction of which the inmate was found guilty is of such an egregious and violent nature that a longer sanction is appropriate and approves a longer sanction, which—

''(I) may be not more than 60 days in a special housing unit if the inmate has never before been found guilty of a similar significant and serious disciplinary infraction; or

''(II) may be not more than 90 days in a special housing unit if the inmate has previously been found guilty of a similar significant and serious disciplinary infraction;

''(C) ensure that any time spent in administrative segregation during an investigation into an alleged offense is credited as time served for a disciplinary segregation sentence;

''(D) ensure that concurrent sentences are imposed for disciplinary violations arising from the same episode; and

''(E) ensure that an inmate may be released from disciplinary segregation for good behavior before completing the term of the inmate, unless the inmate poses a substantial and immediate threat to the safety of other inmates, staff, or the public.

''(6) SPECIAL MANAGEMENT UNITS.—The Director shall—

''(A) limit segregation in a special management unit to situations in which such segregation is necessary to temporarily house an inmate whose history, behavior, or circumstances require enhanced management approaches that cannot be addressed through alternative housing;

''(B) evaluate whether further reductions to the minimum and maximum number of months an inmate may spend in a special management unit are appropriate on an annual basis;

''(C) ensure that each inmate understands the status of the inmate in the special management unit program and how the inmate may progress through the program; and

''(D) further reduce the minimum and maximum number of months an inmate may spend in a special management unit if the Director determines such reductions are appropriate after evaluations are performed under subparagraph (B).

''(7) ADMINISTRATIVE MAXIMUM FACILITIES.—The Director shall—

''(A) limit segregation in an administrative maximum facility to situations in which such segregation is necessary to—

''(i) implement special administrative measures, as directed by the Attorney General; or

''(ii) house an inmate who poses an ongoing significant and serious threat to the safety of other inmates, staff, or the public that cannot be addressed through alternative housing; and

''(B) issue final approval of referral of any inmate who poses an ongoing significant and serious threat for placement in an Administrative Maximum facility, including the United States Penitentiary Administrative Maximum in Florence, Colorado.

''(8) RIGHT TO REVIEW PLACEMENT IN SOLITARY CONFINEMENT.—The Director shall ensure that each inmate placed in solitary confinement has access to—

''(A) written notice thoroughly detailing the basis for placement or continued placement in solitary confinement not later than 6 hours after the beginning of such placement, including—

''(i) thorough documentation explaining why such confinement is permissible and necessary under paragraph (1); and

''(ii) if an exception under paragraph (2)(A), (3)(D), (4)(A), (4)(B), (5)(A), or (5)(B) is used to justify placement in solitary confinement or under paragraph (1) to justify increased restrictive conditions in solitary confinement, thorough documentation explaining why such an exception applied;

''(B) a timely, thorough, and continuous review process that—

''(i) occurs within not less than 3 days of placement in solitary confinement, and thereafter at least—

''(I) on a weekly basis for inmates in special housing units;

''(II) on a monthly basis for inmates in special management units; and

''(III) on a monthly basis for inmates at an administrative maximum facility;

''(ii) includes private, face-to-face interviews with a multidisciplinary staff committee; and

''(iii) examines whether—

''(I) placement in solitary confinement was and remains necessary;

''(II) the conditions of confinement comply with this section; and

''(III) whether any exception under paragraph (2)(A), (3)(D), (4)(A), (4)(B), (5)(A), or (5)(B) used to justify placement in solitary confinement or under paragraph (1) used to justify increased restrictive conditions in solitary confinement was and remains warranted;

''(C) a process to appeal the initial placement or continued placement of the inmate in solitary confinement;

''(D) prompt and timely written notice of the appeal procedures; and

''(E) copies of all documents, files, and records relating to the inmate's placement in solitary confinement, unless such documents contain contraband, classified information, or sensitive security-related information.

''(c) MENTAL HEALTH CARE FOR INMATES IN SOLITARY CONFINEMENT.—

''(1) MENTAL HEALTH SCREENING.—Not later than 6 hours after an inmate in the custody of the Bureau of Prisons or any facility that contracts with the Bureau of Prisons to provide housing for inmates in Federal custody is placed in solitary confinement, the inmate shall receive a comprehensive, face-to-face mental health evaluation by a licensed mental health professional in a confidential setting.

''(2) MENTAL HEALTH TREATMENT PROGRAM.—An inmate diagnosed with a serious mental illness after an evaluation required under paragraph (1)—

''(A) shall not be placed in solitary confinement in accordance with subsection (b)(4); and

''(B) may be diverted to a mental health treatment program within the Bureau of Prisons that provides an appropriate level of care to address the inmate's mental health needs.

''(3) CONTINUING EVALUATIONS.—After each 14-calendar-day period an inmate is held in continuous placement in solitary confinement—

''(A) a licensed mental health professional shall conduct a comprehensive, face-to-face, out-of-cell mental health evaluation of the inmate in a confidential setting; and

''(B) the Director shall adjust the placement of the inmate in accordance with this subsection.

''(4) REQUIREMENT.—The Director shall operate mental health treatment programs in order to ensure that inmates of all security levels with serious mental illness have access to an appropriate level of care.

''(d) TRAINING FOR BUREAU OF PRISONS STAFF.—

''(1) TRAINING.—All employees of the Bureau of Prisons or any facility that contracts with the Bureau of Prisons to provide housing for inmates in Federal custody who interact with inmates on a regular basis shall be required to complete training in—

''(A) the recognition of symptoms of mental illness;

''(B) the potential risks and side effects of psychiatric medications;

''(C) de-escalation techniques for safely managing individuals with mental illness;

''(D) consequences of untreated mental illness;

''(E) the long- and short-term psychological effects of solitary confinement; and

''(F) de-escalation and communication techniques to divert inmates from situations that may lead to the inmate being placed in solitary confinement.

''(2) NOTIFICATION TO MEDICAL STAFF.—An employee of the Bureau of Prisons shall immediately notify a member of the medical or mental health staff if the employee—

''(A) observes an inmate with signs of mental illness, unless such employee has knowledge that the inmate's signs of mental illness have previously been reported; or

''(B) observes an inmate with signs of mental health crisis.

''(e) CIVIL RIGHTS OMBUDSMAN.—

''(1) IN GENERAL.—Within the Bureau of Prisons, there shall be a position of the Civil Rights Ombudsman (referred to in this subsection as the 'Ombudsman') and an Office of the Civil Rights Ombudsman.

''(2) APPOINTMENT.—The Ombudsman shall be appointed by the Attorney General and shall report directly to the Director. The Ombudsman shall have a background in corrections and civil rights and shall have expertise on the effects of prolonged solitary confinement.

''(3) REPORTING.—The Director shall ensure that each Bureau of Prisons facility or any facility that contracts with the Bureau of Prisons provides multiple internal ways for inmates and others to promptly report civil rights violations and violations of this section to the Ombudsman, including—

''(A) not less than 2 procedures for inmates and others to report civil rights violations and violations of this section to an entity or office that is not part of the facility, and that is able to receive and immediately forward inmate reports to the Ombudsman, allowing the inmate to remain anonymous upon request; and

''(B) not less than 2 procedures for inmates and others to report civil rights abuses and violations of this section to the Ombudsman in a confidential manner, allowing the inmate to remain anonymous upon request.

''(4) NOTICE.—The Director shall ensure that each Bureau of Prisons facility or any facility that contracts with the Bureau of Prisons provides inmates with—

''(A) notice of how to report civil rights violations and violations of this section in accordance with paragraph (3), including—

''(i) notice prominently posted in the living and common areas of each such facility;

''(ii) individual notice to inmates at initial intake into the Bureau of Prisons, when transferred to a new facility, and when placed in solitary confinement;

''(iii) notice to inmates with disabilities in accessible formats; and

''(iv) written or verbal notice in a language the inmate understands; and

''(B) notice of permissible practices related to solitary confinement in the Bureau of Prisons, including the requirements of this section.

''(5) FUNCTIONS.—The Ombudsman shall—

''(A) review all complaints the Ombudsman receives;

''(B) investigate all complaints that allege a civil rights violation or violation of this section;

''(C) refer all possible violations of law to the Department of Justice;

''(D) refer to the Director allegations of misconduct involving Bureau of Prisons staff;

''(E) identify areas in which the Bureau of Prisons can improve the Bureau's policies and practices to ensure that the civil rights of inmates are protected;

''(F) identify areas in which the Bureau of Prisons can improve the solitary confinement policies and practices of the Bureau and reduce the use of solitary confinement; and

''(G) propose changes to the policies and practices of the Bureau of Prisons to mitigate problems and address issues the Ombudsman identifies.

''(6) ACCESS.—The Ombudsman shall have unrestricted access to Bureau of Prisons facilities and any facility that contracts with the Bureau of Prisons and shall be able to speak privately with inmates and staff.

''(7) ANNUAL REPORTS.—

''(A) OBJECTIVES.—Not later than December 31 of each year, the Ombudsman 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 the activities of the Office of the Ombudsman for the fiscal year ending in such calendar year.

''(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

''(i) contain full and substantive analysis, in addition to statistical information;

''(ii) identify the recommendations the Office of the Ombudsman has made on addressing reported civil rights violations and violations of this section and reducing the use and improving the practices of solitary confinement in the Bureau of Prisons;

''(iii) contain a summary of problems relating to reported civil rights violations and violations of this section, including a detailed description of the nature of such problems and a breakdown of where the problems occur among Bureau of Prisons facilities and facilities that contract with the Bureau of Prisons;

''(iv) contain an inventory of the items described in clauses (ii) and (iii) for which action has been taken and the result of such action;

''(v) contain an inventory of the items described in clauses (ii) and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

''(vi) contain an inventory of the items described in clauses (ii) and (iii) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and shall identify any official of the Bureau of Prisons who is responsible for such inaction;

''(vii) contain recommendations for such legislative or administrative action as may be appropriate to resolve problems identified in clause (iii); and

''(viii) include such other information as the Ombudsman determines necessary.

''(C) SUBMISSION OF REPORTS.—Each report required under this paragraph shall be provided directly to the Committees described in subparagraph (A) without any prior review, comment, or amendment from the Director or any other officer or employee of the Department of Justice or Bureau of Prisons.

''(8) REGULAR MEETINGS WITH THE DIRECTOR OF THE BUREAU OF PRISONS.—The Ombudsman shall meet regularly with the Director to identify problems with reported civil rights violations and the solitary confinement policies and practices of the Bureau of Prisons, including overuse of solitary confinement, and to present recommendations for such administrative action as may be appropriate to resolve problems relating to reported civil rights violations and the solitary confinement policies and practices of the Bureau of Prisons.

''(9) RESPONSIBILITIES OF BUREAU OF PRISONS.—The Director shall establish procedures requiring that, not later than 3 months after the date on which a recommendation is submitted to the Director by the Ombudsman, the Director or other appropriate employee of the Bureau of Prisons issue a formal response to the recommendation.

''(10) NON-APPLICATION OF THE PRISON LITIGATION REFORM ACT.—Inmate reports sent to the Ombudsman shall not be considered an administrative remedy under section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303

of title 18, United States Code, is amended by inserting after the item relating to section 4051 the following:

''4052. Solitary confinement.''.

SEC. 3. REASSESSMENT OF INMATE MENTAL HEALTH.

Not later than 180 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall—

(1) assemble a team of licensed mental health professionals, which may include licensed mental health professionals who are not employed by the Bureau of Prisons, to conduct a comprehensive mental health reevaluation for each inmate held in solitary confinement for more than 30 days as of the date of enactment of this Act, including a confidential, face-to-face, out-of-cell interview by a licensed mental health professional; and

(2) adjust the placement of each inmate in accordance with section 4052(c) of title 18, United States Code, as added by section 2.

SEC. 4. DIRECTOR OF BUREAU OF PRISONS.

Section 4041 of title 18, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the ''The Bureau of Prisons shall be''; and

(2) by adding at the end the following:

''(b) OMBUDSMAN.—The Director of the Bureau of Prisons shall—

''(1) meet regularly with the Ombudsman appointed under section 4052(e) to identify how the Bureau of Prisons can address reported civil rights violations and reduce the use of solitary confinement and correct problems in the solitary confinement policies and practices of the Bureau;

''(2) conduct a prompt and thorough investigation of each referral from the Ombudsman under section 4052(e)(5)(D), after each such investigation take appropriate disciplinary action against any Bureau of Prisons employee who is found to have engaged in misconduct or to have violated Bureau of Prisons policy, and notify the Ombudsman of the outcome of each such investigation; and

''(3) establish procedures requiring a formal response by the Bureau of Prisons to any recommendation of the Ombudsman in the annual report submitted under section 4052(e)(7) not later than 90 days after the date on which the report is submitted to Congress.''.

SEC. 5. DATA TRACKING OF USE OF SOLITARY CONFINEMENT.

Section 4047 of title 18, United States Code, is amended by adding at the end the following:

''(d) PRISON SOLITARY CONFINEMENT ASSESSMENTS.—

''(1) IN GENERAL.—Not later than March 31 of each year, the Director of the Bureau of Prisons shall prepare and transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an annual assessment of the use of solitary confinement, as defined in section 4052(a), by the Bureau of Prisons.

''(2) CONTENTS.—Each assessment submitted under paragraph (1) shall include—

''(A) the policies and regulations of the Bureau of Prisons, including any changes in policies and regulations, for determining which inmates are placed in each form of solitary confinement, or housing in which an inmate is separated from the general population in use during the reporting period, and a detailed description of each form of solitary confinement in use, including all maximum and high security facilities, all special housing units, all special management units, all Administrative Maximum facilities, including the United States Penitentiary Administrative Maximum in Florence, Colorado, and all Communication Management Units;

''(B) the number of inmates in the custody of the Bureau of Prisons who are housed in each type of solitary confinement described in subparagraph (A) for any period and the percentage of all inmates who have spent at least some time in each form of solitary confinement during the reporting period;

''(C) the demographics of all inmates housed in each type of solitary confinement described in subparagraph (A), including race, ethnicity, religion, age, and gender;

''(D) the policies and regulations of the Bureau of Prisons, including any updates in policies and regulations, for subsequent reviews or appeals of the placement of an inmate into or out of solitary confinement;

''(E) the number of reviews of and challenges to each type of solitary confinement placement described in subparagraph (A) conducted during the reporting period and the number of reviews or appeals that directly resulted in a change of placement;

''(F) the general conditions and restrictions for each type of solitary confinement described in subparagraph (A), including the number of hours spent in 'isolation,' or restraint, for each, and the percentage of time these conditions involve single-inmate housing;

''(G) the mean and median length of stay in each form of solitary confinement described in subparagraph (A), based on all individuals released from solitary confinement during the reporting period, including maximum and high security facilities, special housing units, special management units, the Administrative Maximum facilities, including the United States Penitentiary Administrative Maximum in Florence, Colorado, Communication Management Units, and any maximum length of stay during the reporting period;

''(H) the number of inmates who, after a stay of 5 or more days in solitary confinement, were released directly from solitary confinement to the public during the reporting period;

''(I) the cost for each form of solitary confinement described in subparagraph (A) in use during the reporting period, including as compared with the average daily cost of housing an inmate in the general population;

''(J) statistics for inmate assaults on correctional officers and staff of the Bureau of Prisons, inmate-on-inmate assaults, and staff-on-inmate use of force incidents in the various forms of solitary confinement described in subparagraph (A) and statistics for such assaults in the general population;

''(K) the policies for mental health screening, mental health treatment, and subsequent mental health reviews for all inmates, including any update to the policies, and any additional screening, treatment, and monitoring for inmates in solitary confinement;

''(L) a statement of the types of mental health staff that conducted mental health assessments for the Bureau of Prisons during the reporting period, a description of the different positions in the mental health staff of the Bureau of Prisons, and the number of part- and full-time psychologists and psychiatrists employed by the Bureau of Prisons during the reporting period;

''(M) data on mental health and medical indicators for all inmates in solitary confinement, including—

''(i) the number of inmates requiring medication for mental health conditions;

''(ii) the number diagnosed with an intellectual disability;

''(iii) the number diagnosed with serious mental illness;

''(iv) the number of suicides;

''(v) the number of attempted suicides and number of inmates placed on suicide watch;

''(vi) the number of instances of self-harm committed by inmates;

''(vii) the number of inmates with physical disabilities, including blind, deaf, and mobility-impaired inmates; and

''(viii) the number of instances of forced feeding of inmates; and

''(N) any other relevant data.''.

SEC. 6. NATIONAL RESOURCE CENTER ON SOLITARY CONFINEMENT REDUCTION AND REFORM.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of—

(1) solitary confinement, including the reduction and reform of its use; and

(2) providing technical assistance to corrections agencies on how to reduce and reform solitary confinement.

(b) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Bureau of Justice Assistance shall enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of establishing a coordinating center for State, local, and Federal corrections systems, which shall conduct activities such as—

(1) providing on-site technical assistance and consultation to Federal, State, and local corrections agencies to safely reduce the use of solitary confinement;

(2) acting as a clearinghouse for research, data, and information on the safe reduction of solitary confinement in prisons and other custodial settings, including facilitating the exchange of information between Federal, State, and local practitioners, national experts, and researchers;

(3) creating a minimum of 10 learning sites in Federal, State, and local jurisdictions that have already reduced their use of solitary confinement and work with other Federal, State, and local agencies to participate in training, consultation, and other forms of assistance and partnership with these learning sites;

(4) conducting evaluations of jurisdictions that have decreased their use of solitary confinement to determine best practices;

(5) conducting research on the effectiveness of alternatives to solitary confinement, such as step-down or transitional programs, strategies to reintegrate inmates into general population, the role of officers and staff culture in reform efforts, and other research relevant to the safe reduction of solitary confinement;

(6) developing and disseminating a toolkit for systems to reduce the excessive use of solitary confinement;

(7) developing and disseminating an online self-assessment tool for State and local jurisdictions to assess their own use of solitary confinement and identify strategies to reduce its use; and

(8) conducting public webinars to highlight new and promising practices.

(c) ADMINISTRATION.—The program under this section shall be administered by the Bureau of Justice Assistance.

(d) REPORT.—On an annual basis, the coordinating center shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on its activities and any changes in solitary confinement policy at the Federal, State, or local level that have resulted from its activities.

(e) DURATION.—The Bureau of Justice Assistance shall enter into a cooperative agreement under this section for 5 years.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated—

(1) to the Director of the Bureau of Prisons such sums as may be necessary to carry out sections 2, 3, 4, and 5, and the amendments made by such sections; and

(2) to the Bureau of Justice Assistance such sums as may be necessary to carry out section 6.

SEC. 8. NOTICE AND COMMENT REQUIREMENT.

The Director of the Bureau of Prisons shall prescribe rules, in accordance with section 553 of title 5, United States Code, to carry out this Act and the amendments made by this Act.

SEC. 9. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect 18 months after the date of enactment of this Act.

By Mr. PADILLA (for himself, Mr. DURBIN, Mr. BOOKER, Mr. SANDERS, Ms. WARREN, Mr. MARKEY, Mr. BLUMENTHAL, Mr. BROWN, and Mrs. FEINSTEIN):

S. 5055. A bill to provide benefits for noncitizen members of the Armed Forces, and for other purposes; to the Committee on the Judiciary.

Mr. PADILLA. Mr. President, I rise to introduce the Veteran Service Recognition Act of 2022.

This legislation would ensure that noncitizen service members have access to the information and resources they need to apply for citizenship in the United States and avoid deportation from the country they have promised to protect and fight for.

The Veteran Service Recognition Act of 2022 would implement important changes to ensure that servicemembers as well as their spouses and children are not removed from the United States after leaving the military because they were never provided support and resources to help them adjust their status.

Specifically, this bill would require the Department of Homeland Security and the Department of Defense to create a program to help ensure that servicemembers and their families have a pathway to naturalization. The program would also include training for JAG officers and recruiter training on the naturalization process for servicemembers.

The bill would also create a Military Family Immigration Advisory Committee that would provide recommendations to DHS on whether a noncitizen who has served in the military or their family members should be granted a stay of removal, deferred action, parole, or be removed from the country.

Finally, the bill would require DHS to establish a program that allows removed veterans and their family members to be admitted back into the United States as lawful permanent residents and directs DOJ to reopen their removal cases.

Our noncitizen servicemembers have risked their lives in service to our country. For over a century, the United States has recognized the contributions that noncitizens make in the military. They deserve a clear path to citizenship for themselves and their spouses and children.

Over the past several years, programs to help facilitate these processes have diminished, and this lack of support from Federal Agencies has made it more difficult for noncitizen servicemembers to become U.S. citizens. Veterans who are unable to naturalize are at risk of deportation if they commit certain crimes and are forced to leave the country they promised to defend. Many believe that they are citizens already due to their service and are shocked to learn years later that they are not.

It is imperative that we work to protect our noncitizen veterans from deportation and that we bring back those veterans who were removed from the United States. These veterans have shown nothing but loyalty to the United States, and they deserve to stay here, receive their benefits, and live fulfilling lives alongside their family members.

By Mr. REED:

S. 5064. A bill to ensure that children in schools have a right to read, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, literacy opens the door for lifelong opportunity and economic success. But in the aftermath of the COVID–19 pandemic, we have a lot of work to do to help kids catch up. The National Assessment of Education Progress results show the terrible toll the pandemic has taken on students' literacy skills. Reading scores for 9-year-olds, dropped by five points, the steepest decline since 1990. We need urgent action to ensure that all children have the means and the right to read. That is why I am pleased to join Congressman RAÚL GRIJALVA in introducing the Right to Read Act.

The Right to Read Act will require States and school districts to have policies protecting the right to read, which includes access to evidence-based reading instruction, access to effective school libraries, access to developmentally and linguistically appropriate materials, reading materials at home, family literacy support, and the freedom to choose reading materials.

The Right to Read Act will ensure that low-income, minority children, English learners, and students with disabilities are not disproportionately enrolled in schools that lack effective school libraries. This is a matter of equity. Data shows that school libraries make a big difference in giving kids the skills and inspiration to become proficient and enthusiastic readers. Students who utilize school libraries have 73 percent higher literacy rates than students who do not, and the positive impact of effective school libraries is highest for marginalized groups, including students experiencing poverty, students of color, and students with disabilities. But not every student has access to library services. The U.S. Department of Education reports that 2.5 million students are enrolled in districts where there are no school libraries. An estimated 1 out of 10 schools in America does not have a school library, and 30 percent of U.S. public schools do not have full time librarians. Students experiencing the highest levels of poverty are 30 percent more likely to attend a school without a school library. And while school libraries are most effective when they offer resources that resonate, engage, and empower students and that align with their first amendment rights, 32 States have enacted bans on books that disproportionately limit access to titles with LGBTQ+ characters and characters of color.

The Right to Read Act will address the disparities in access to school library resources. It supports the development of effective school libraries, including the recruitment, retention, and professional development of State-certified school librarians. It will also increase the Federal investment in literacy by reauthorizing Comprehensive Literacy State Development Grants at $500 million and the Innovative Approaches to Literacy program at $100 million, targeting critical literacy resources in high need communities. Critically, the bill protects access to quality reading materials and provides the resources needed to create a foundation for learning and student success.

In developing this legislation, Congressman GRIJALVA and I worked closely with the library community, including the American Library Association and the American Association of School Librarians. These are the experts in helping kids become lifelong readers and learners. I appreciate their insight and assistance on this bill, and I urge my colleagues to join us in cosponsoring this legislation to ensure that all students have a right to read.

By Mr. REED (for himself, Ms. WARREN, and Mr. DURBIN):

S. 5065. A bill to provide for institutional risk-sharing in the Federal student loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, we all recognize that a postsecondary education is often the key to a family-sustaining, middle-class job. We also know that an educated workforce is essential to a modern, productive economy. However, our system that relies on student loan debt to finance that education is broken. At the end of fiscal year 2021, over 43 million Americans owed more than $1.6 trillion in Federal student loan debt.

The pandemic has forced a long-overdue reckoning with the cost of student loan debt to our society. But the warning signs have been clear for some time. A National Center of Education Statistics Report found that students who graduated in 2016 still owed 78 percent of the amount they borrowed. Black graduates owed more than they had originally borrowed. Thirty-four percent of graduates reported negative net worth. As student loan debt has

grown, young adults have put off buying homes or cars, starting a family, saving for retirement, or launching new businesses. They have literally mortgaged their economic future.

In response to the pandemic, Congress and two administrations took unprecedented steps to ease the burden of student loan debt. While those steps provided urgently needed relief to current borrowers, we need to take steps now to reform the student loan system so future graduates are not saddled with crushing debt. Part of the answer is requiring institutions of higher education to have a greater stake in the outcomes for student loan borrowers.

While institutions are largely shielded when student borrowers can't repay their loans, students who fall into default face catastrophic consequences with little opportunity for relief. Only in rare instances can the debt be discharged in bankruptcy, and the Federal Government has the power to withhold tax refunds, garnish wages, and even garnish Social Security benefits to collect defaulted student loans.

We have seen the costs to students and taxpayers when institutions are not held accountable. The Department of Education has forgiven over $13 billion in student loans for students cheated by their colleges since 2021 alone. Just recently, Stratford University announced it would be shutting its doors leaving thousands of students in the lurch.

We cannot wait until an institution is catastrophically failing its students before taking action. Institutions need greater financial incentives to act before default rates rise. Simply put, we cannot tackle the student loan debt crisis without States and institutions stepping up and taking greater responsibility for college costs and student borrowing.

That is why I am pleased to reintroduce the Protect Student Borrowers Act with Senators Warren and Durbin. Our legislation seeks to ensure that institutions have more ''skin in the game'' when it comes to student loan debt. The bill will create stronger market incentives for colleges and universities to provide better and more affordable education to students, which should in turn help put the brakes on rising student loan defaults.

The Protect Student Borrowers Act would hold colleges and universities accountable for high student loan defaults by requiring them to repay a percentage of defaulted loans. Only institutions that have one-third or more of their students borrow or have a repayment rate after 3 years below 50 percent would be included in the bill's risk-sharing requirements based on their cohort default rate. Risk-sharing requirements would kick in when the default rate exceeds five percent. As the institution's default rate rises, so too will the institution's risk-share payment.

The Protect Student Borrowers Act also provides incentives for institutions to take proactive steps to ease student loan debt burdens and reduce default rates. Colleges and universities can reduce or eliminate their payments if they implement a comprehensive student loan management plan. The Secretary may waive or reduce the payments for institutions whose mission is to serve low-income and minority students, such as community colleges, historically Black institutions, or Hispanic-serving institutions, if they are making progress in their student loan management plans.

The risk-sharing payments would be invested in helping struggling borrowers, preventing future default and delinquency, and providing additional grant aid to students receiving Pell grants at institutions that enroll a high percentage of Pell grant recipients and have low default rates.

With the stakes so high for students and taxpayers, it is only fair that institutions bear some of the risk in the student loan program.

We need to tackle student loan debt and college affordability from multiple angles. All stakeholders in the system must do their part. With the Protect Student Borrowers Act, we are providing the incentives and resources for institutions to take more responsibility to address college affordability, reduce student loan debt, and improve student outcomes. I urge my colleagues to cosponsor this bill and look forward to working with them to include it and other key reforms in the upcoming reauthorization of the Higher Education Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 808—EXPRESSING SUPPORT FOR THE RECOGNITION OF THE WEEK OF SEPTEMBER 26 THROUGH OCTOBER 2, 2022, AS ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS WEEK

Ms. HIRONO (for herself, Mr. VAN HOLLEN, Ms. DUCKWORTH, Mr. DURBIN, Mr. MENENDEZ, Mr. KAINE, Ms. WARREN, Mr. BROWN, Mr. WYDEN, Ms. STABENOW, Ms. SMITH, Mr. CASEY, Mrs. FEINSTEIN, Ms. ROSEN, Mr. PADILLA, Mr. MERKLEY, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 808

Whereas the Asian American and Native American Pacific Islander-Serving Institutions Program was originally established using funds authorized by the College Cost Reduction and Access Act (Public Law 110–84; 121 Stat. 784), which was enacted on September 27, 2007;

Whereas 2022 marks the 15th anniversary of the establishment of Federal funding for Asian American and Native American Pacific Islander-Serving Institutions by Congress;

Whereas Asian American and Native American Pacific Islander-Serving Institutions are degree-granting postsecondary institutions that have an undergraduate enrollment of not less than 10 percent Asian American, Native Hawaiian, and Pacific Islander students;

Whereas the purpose of the Asian American and Native American Pacific Islander-Serving Institutions Program is to improve the availability and quality of postsecondary education programs to serve Asian American, Native Hawaiian, and Pacific Islander students;

Whereas, since 2007, more than 250 colleges and universities throughout the United States, including the United States territories in the Pacific, have been eligible for Federal funding as Asian American and Native American Pacific Islander-Serving Institutions;

Whereas, as of the date of adoption of this resolution, there are 199 eligible Asian American and Native American Pacific Islander-Serving Institutions operating in the United States, including the United States territories in the Pacific;

Whereas, as of the 2021–2022 academic year, 50 Asian American and Native American Pacific Islander-Serving Institutions were receiving or had received Federal funding in the United States, including the United States territories in the Pacific;

Whereas Asian American and Native American Pacific Islander-Serving Institutions are of critical importance, as they enroll and graduate large proportions of Asian American, Native Hawaiian, and Pacific Islander college students, the overwhelming majority of whom are low-income and first-generation;

Whereas Asian American and Native American Pacific Islander-Serving Institutions comprise only 6.1 percent of all institutions of higher education, yet enroll more than 40 percent of all Asian American, Native Hawaiian, and Pacific Islander undergraduate students in the United States, including the United States territories in the Pacific;

Whereas Asian American and Native American Pacific Islander-Serving Institutions employ many of the Asian American, Native Hawaiian, and Pacific Islander faculty, staff, and administrators in the United States;

Whereas Asian American and Native American Pacific Islander-Serving Institutions award nearly ½ of the associate's degrees and more than ⅓ of the bachelor's degrees attained by all Asian American, Native Hawaiian, and Pacific Islander college students in the United States, including the United States territories in the Pacific;

Whereas more than ½ of federally funded Asian American and Native American Pacific Islander-Serving Institutions maintain an Asian American, Native Hawaiian, and Pacific Islander enrollment of more than 20 percent;

Whereas Asian American and Native American Pacific Islander-Serving Institutions play a vital role in preserving the diverse culture, experiences, heritage, and history of Asian Americans, Native Hawaiians, and Pacific Islanders;

Whereas Asian American and Native American Pacific Islander-Serving Institutions provide culturally relevant academic and cocurricular programs, research, and services, which increase student retention, transfer, and graduation rates, while also enhancing the overall educational experiences of Asian American, Native Hawaiian, and Pacific Islander students;

Whereas celebrating the vast contributions of Asian American and Native American Pacific Islander-Serving Institutions strengthens the culture of the United States; and