

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
 TO H.R. 3356
 OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Prison Reform and Redemption Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM REDUCTION

Sec. 101. Risk and needs assessment system.
 Sec. 102. Implementation of system and recommendations by Bureau of Prisons.
 Sec. 103. Authorization of appropriations.
 Sec. 104. Rule of construction.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

Sec. 201. Short title.
 Sec. 202. 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.

TITLE IV—MISCELLANEOUS CRIMINAL JUSTICE

Sec. 401. Placement of prisoners close to families.
 Sec. 402. Home confinement for low risk prisoners.
 Sec. 403. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.
 Sec. 404. Identification for returning citizens.
 Sec. 405. Miscellaneous.
 Sec. 406. Expanding inmate employment through Federal prison industries.
 Sec. 407. De-escalation training.

- Sec. 408. Evidence-based treatment for opioid and heroin abuse.
- Sec. 409. Pilot programs.
- Sec. 410. Ensuring supervision of released sexually dangerous persons.
- Sec. 411. Data collection.
- Sec. 412. Healthcare products.

1 **TITLE I—RECIDIVISM**
2 **REDUCTION**

3 **SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.**

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

7 “SUBCHAPTER D—RISK AND NEEDS
8 ASSESSMENT SYSTEM

9 **“§ 3631. Duties of the Attorney General**

10 “(a) IN GENERAL.—The Attorney General shall
11 carry out this subchapter in consultation with—

12 “(1) the Director of the Bureau of Prisons;

13 “(2) the Director of the Administrative Office
14 of the United States Courts;

15 “(3) the Director of the Office of Probation and
16 Pretrial Services;

17 “(4) the Director of the National Institute of
18 Justice; and

19 “(5) the Director of the National Institute of
20 Corrections.

21 “(b) DUTIES.—The Attorney General shall—

1 “(1) conduct a review of the existing prisoner
2 risk and needs assessment systems in operation on
3 the date of the enactment of this Act;

4 “(2) develop recommendations regarding evi-
5 dence-based recidivism reduction programs and pro-
6 ductive activities in accordance with section 3633;

7 “(3) conduct ongoing research and data anal-
8 ysis on—

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

12 “(B) the most effective and efficient uses
13 of such programs;

14 “(C) which evidence-based recidivism re-
15 duction programs are the most effective at re-
16 ducing recidivism, and the type, amount, and
17 intensity of programming that most effectively
18 reduces the risk of recidivism; and

19 “(D) products purchased by Federal agen-
20 cies that are manufactured overseas and could
21 be manufactured by prisoners participating in a
22 prison work program without reducing job op-
23 portunities for other workers in the United
24 States;

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

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

7 “(B) the recommendations developed under
8 paragraph (2), using the research conducted
9 under paragraph (3);

10 “(C) an evaluation to ensure that the risk
11 and needs assessment system bases the assess-
12 ment of each prisoner’s risk of recidivism on in-
13 dicators of progress, and of regression that are
14 dynamic and that can reasonably be expected to
15 change while in prison;

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

18 “(E) an evaluation of the rates of recidi-
19 vism among similarly classified prisoners to
20 identify any unwarranted disparities, including
21 disparities among similarly classified prisoners
22 of different demographic groups, in such rates;

23 “(5) make any revisions or updates to the risk
24 and needs assessment system that the Attorney Gen-
25 eral determines appropriate pursuant to the review

1 under paragraph (4), including updates to ensure
2 that any disparities identified in paragraph (4)(D)
3 are reduce to the greatest extent possible; and

4 “(6) report to Congress in accordance with sec-
5 tion 3634.

6 **“§ 3632. Development of risk and needs assessment**
7 **system**

8 “(a) IN GENERAL.—Not later than 180 days after
9 the date of the enactment of this Act, the Attorney Gen-
10 eral shall develop and release a risk and needs assessment
11 system (referred to in this subchapter as the ‘System’),
12 which shall be used to—

13 “(1) determine the recidivism risk of each pris-
14 oner as part of the intake process, and classify each
15 prisoner as having minimum, low, medium, or high
16 risk for recidivism;

17 “(2) assess and determine, to the extent prac-
18 ticable, the risk of violent or serious misconduct of
19 each prisoner;

20 “(3) determine the type, amount, and intensity
21 of evidence-based recidivism reduction programs that
22 are appropriate for each prisoner and assign each
23 prisoner to such programs accordingly, and based on
24 the prisoner’s specific criminogenic needs, and in ac-
25 cordance with subsection (b);

1 “(4) reassess the recidivism risk of each pris-
2 oner periodically and reassign the prisoner to appro-
3 priate evidence-based recidivism reduction programs
4 or productive activities based on the revised deter-
5 mination to ensure that—

6 “(A) all prisoners at each risk level have a
7 meaningful opportunity to reduce their classi-
8 fication during the period of incarceration;

9 “(B) to address the specific criminogenic
10 needs of the prisoner; and

11 “(C) all prisoners are able to successfully
12 participate in such programs;

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

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

20 In carrying out this subsection, the Attorney General may
21 use existing risk and needs assessment tools, as appro-
22 priate.

23 “(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM
24 REDUCTION PROGRAMS.—The System shall provide guid-
25 ance on the type, amount, and intensity of evidence-based

1 recidivism reduction programming and productive activi-
2 ties that shall be assigned for each prisoner, including—

3 “(1) programs in which the Bureau of Prisons
4 shall assign the prisoner to participate, according to
5 the prisoner’s specific criminogenic needs; and

6 “(2) information on the best ways that the Bu-
7 reau of Prisons can tailor the programs to the spe-
8 cific criminogenic needs of each prisoner so as to
9 most effectively lower each prisoner’s risk of recidi-
10 vism.

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

18 “(d) EVIDENCE-BASED RECIDIVISM REDUCTION
19 PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES RE-
20 WARDS.—The System shall provide incentives and rewards
21 for prisoners to participate in and complete evidence-based
22 recidivism reduction programs as follows:

23 “(1) PHONE AND VISITATION PRIVILEGES.—A
24 prisoner who is successfully participating in an evi-

1 dence-based recidivism reduction program shall re-
2 ceive—

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

6 “(B) additional time for visitation at the
7 prison, as determined by the warden of the pris-
8 on.

9 “(2) TRANSFER TO INSTITUTION CLOSER TO
10 RELEASE RESIDENCE.—A prisoner who is success-
11 fully participating in an evidence-based recidivism
12 reduction program shall be considered by the Bu-
13 reau of Prisons for placement in a facility closer to
14 the prisoner’s release residence upon request from
15 the prisoner and subject to—

16 “(A) bed availability at the transfer facil-
17 ity;

18 “(B) the prisoner’s security designation;
19 and

20 “(C) the recommendation from the warden
21 of the prison at which the prisoner is incarcerated
22 at the time of making the request.

23 “(3) ADDITIONAL POLICIES.—The Director of
24 the Bureau of Prisons shall develop additional poli-
25 cies to provide appropriate incentives for successful

1 participation and completion of evidence-based re-
2 cidivism reduction programming. Such incentives
3 shall include not less than one of the following:

4 “(A) Increased commissary spending limits
5 and product offerings.

6 “(B) Extended opportunities to access the
7 email system.

8 “(C) Consideration of transfer to preferred
9 housing units (including transfer to different
10 prison facilities).

11 “(D) Other incentives solicited from pris-
12 oners and determined appropriate by the Direc-
13 tor.

14 “(4) TIME CREDITS.—

15 “(A) IN GENERAL.—A prisoner, except for
16 an ineligible prisoner under subparagraph (D),
17 who successfully completes evidence-based re-
18 cidivism reduction programming or productive
19 activities, shall earn time credits as follows:

20 “(i) A prisoner shall earn 10 days of
21 time credits for every 30 days of successful
22 participation in evidence-based recidivism
23 reduction programming or productive ac-
24 tivities.

1 “(ii) A prisoner determined by the
2 Bureau of Prisons to be at a minimum or
3 low risk for recidivating, who, over two
4 consecutive assessments, has not increased
5 their risk of recidivism, shall earn an addi-
6 tional 5 days of time credits for every 30
7 days of successful participation in evi-
8 dence-based recidivism reduction program-
9 ming or productive activities.

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

14 “(i) prior to the date of the enactment
15 of this Act;

16 “(ii) during official detention prior to
17 the date that the prisoner’s sentence com-
18 mences under section 3585(a); or

19 “(iii) if that prisoner is an inadmis-
20 sible or deportable alien under the immi-
21 gration laws (as such term is defined in
22 section 101 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1101)).

24 “(C) APPLICATION OF TIME CREDITS TO-
25 WARD PRE-RELEASE CUSTODY.—Time credits

1 earned under this paragraph by prisoners who
2 successfully participate in recidivism reduction
3 programs or productive activities and who have
4 been determined to be at minimum risk or low
5 risk for recidivating pursuant to their last two
6 reassessments shall be applied toward time in
7 pre-release custody. The Director of the Bureau
8 of Prisons shall transfer prisoners described in
9 this subparagraph into prerelease custody, ex-
10 cept that the Director of the Bureau of Prisons
11 may deny such a transfer if the warden of the
12 prison finds by clear and convincing evidence
13 that the prisoner should not be transferred into
14 prerelease custody based only on evidence of the
15 prisoner's actions after the conviction of such
16 prisoner and not based on evidence from the
17 underlying conviction, and submits a detailed
18 written statement regarding such finding to the
19 Director of the Bureau of Prisons.

20 “(D) INELIGIBLE PRISONERS.—A prisoner
21 serving a sentence for a serious violent felony
22 (as such term is defined in clause (i) of section
23 3559(c)(2)(F), except that such term does not
24 include an offense under section
25 924(c)(1)(A)(i)), a Federal sex offense (as such

1 term is defined in section 3559(e)(2)(A)), or a
2 crime involving international terrorism, sabo-
3 tage, or weapons of mass destruction (as such
4 terms are defined in section 101 of the Foreign
5 Intelligence Surveillance Act of 1978 (50
6 U.S.C. 1801)), is ineligible to receive time cred-
7 its under this paragraph.

8 “(5) RISK REASSESSMENTS AND LEVEL AD-
9 JUSTMENT.—A prisoner who successfully partici-
10 pates in evidence-based recidivism reduction pro-
11 gramming or productive activities shall receive peri-
12 odic risk reassessments not less often than annually,
13 and a prisoner determined to be at a medium or
14 high risk of recidivating and who has less than 5
15 years until his or her projected release date shall re-
16 ceive more frequent risk reassessments. If the reas-
17 sessment shows that the prisoner’s risk of
18 recidivating or specific needs have changed, the Bu-
19 reau of Prisons shall update the determination of
20 the prisoner’s risk of recidivating or information re-
21 garding the prisoner’s specific needs and reassign
22 the prisoner to appropriate evidence-based recidivism
23 reduction programming or productive activities
24 based on such changes.

1 “(6) RELATION TO OTHER INCENTIVE PRO-
2 GRAMS.—The incentives described in this subsection
3 shall be in addition to any other rewards or incen-
4 tives for which a prisoner may be eligible.

5 “(e) PENALTIES.—The Director of the Bureau of
6 Prisons shall develop guidelines for the reduction of re-
7 wards and incentives earned under subsection (e) for pris-
8 oners who violate prison rules or evidence-based recidivism
9 reduction program or productive activity rules, which shall
10 provide—

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

13 “(2) that any reduction that includes the loss of
14 time credits shall require written notice to the pris-
15 oner, shall be limited to time credits that a prisoner
16 earned as of the date of the prisoner’s rule violation,
17 and shall not include any future time credits that
18 the prisoner may earn; and

19 “(3) for a procedure to restore time credits that
20 a prisoner lost as a result of a rule violation based
21 on the prisoner’s individual progress after the date
22 of the rule violation.

23 “(f) BUREAU OF PRISONS TRAINING.—The Attorney
24 General shall develop and implement training programs

1 for Bureau of Prisons officers and employees responsible
2 for administering the System, which shall include—

3 “(1) initial training to educate officers and em-
4 ployees on how to use the System in an appropriate
5 and consistent manner, as well as the reasons for
6 using the System;

7 “(2) continuing education; and

8 “(3) periodic training updates.

9 “(g) **QUALITY ASSURANCE.**—In order to ensure that
10 the Bureau of Prisons is using the System in an appro-
11 priate and consistent manner, the Attorney General shall
12 monitor and assess the use of the System, which shall in-
13 clude conducting annual audits of the Bureau of Prisons
14 regarding the use of the System.

15 **“§ 3633. Evidence-based recidivism reduction pro-**
16 **gram and recommendations**

17 “Prior to releasing the System, the Attorney General
18 shall—

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

23 “(2) review available information regarding the
24 effectiveness of evidence-based recidivism reduction
25 programs and productive activities that exist in

1 State-operated prisons throughout the United
2 States;

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

5 “(4) review the policies for entering into evi-
6 dence-based recidivism reduction partnerships de-
7 scribed in section 3621(h)(5); and

8 “(5) direct the Bureau of Prisons regarding—

9 “(A) evidence-based recidivism reduction
10 programs;

11 “(B) the ability for faith-based organiza-
12 tions to function as a provider of educational
13 evidence-based programs outside of the religious
14 classes and services provided through the Chap-
15 laincy; and

16 “(C) the addition of any new effective evi-
17 dence-based recidivism reduction programs that
18 the Attorney General finds.

19 **“§ 3634. Report**

20 “Beginning on the date that is two years after the
21 date of the enactment of this subchapter, and annually
22 thereafter for a period of 5 years, the Attorney General
23 shall submit a report to the Committees on the Judiciary
24 of the Senate and the House of Representatives and the
25 Subcommittees on Commerce, Justice, Science, and Re-

1 lated Agencies of the Committees on Appropriations of the
2 Senate and the House of Representatives that contains the
3 following:

4 “(1) A summary of the activities and accom-
5 plishments of the Attorney General in carrying out
6 this Act.

7 “(2) A summary and assessment of the types
8 and effectiveness of the evidence-based recidivism re-
9 duction programs and productive activities in prisons
10 operated by the Bureau of Prisons, including—

11 “(A) evidence about which programs have
12 been shown to reduce recidivism;

13 “(B) the capacity of each program and ac-
14 tivity at each prison, including the number of
15 prisoners along with the recidivism risk of each
16 prisoner enrolled in each program; and

17 “(C) identification of any gaps or short-
18 ages in capacity of such programs and activi-
19 ties.

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

23 “(A) The primary offense of conviction.

24 “(B) The length of the sentence imposed
25 and served.

1 “(C) The Bureau of Prisons facility or fa-
2 cilities in which the prisoner’s sentence was
3 served.

4 “(D) The evidence-based recidivism reduc-
5 tion programming that the prisoner successfully
6 completed, if any.

7 “(E) The prisoner’s assessed and reas-
8 sessed risk of recidivism.

9 “(F) The productive activities that the
10 prisoner successfully completed, if any.

11 “(4) The status of prison work programs at fa-
12 cilities operated by the Bureau of Prisons, includ-
13 ing—

14 “(A) a strategy to expand the availability
15 of such programs without reducing job opportu-
16 nities for workers in the United States who are
17 not in the custody of the Bureau of Prisons, in-
18 cluding the feasibility of prisoners manufac-
19 turing products purchased by Federal agencies
20 that are manufactured overseas;

21 “(B) an assessment of the feasibility of ex-
22 panding such programs, consistent with the
23 strategy required under subparagraph (A), with
24 the goal that 5 years after the date of enact-
25 ment of this Act, not less than 75 percent of el-

1 eligible minimum and low risk offenders have the
2 opportunity to participate in a prison work pro-
3 gram for not less than 20 hours per week; and

4 “(C) a detailed discussion of legal authori-
5 ties that would be useful or necessary to achieve
6 the goals described in subparagraphs (A) and
7 (B).

8 “(5) An assessment of the Bureau of Prisons’
9 compliance with section 3621(h).

10 “(6) An assessment of progress made toward
11 carrying out the purposes of this subchapter, includ-
12 ing any savings associated with—

13 “(A) the transfer of prisoners into
14 prerelease custody under section 3624(g) in-
15 cluding savings resulting from the avoidance or
16 deferral of future construction, acquisition, and
17 operations costs; and

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

22 “(7) Recommendations for how to reinvest any
23 savings into other Federal, State, and local law en-
24 forcement activities and evidence-based recidivism
25 reduction programs in the Bureau of Prisons.

1 **“§ 3635. Definitions**

2 “In this subchapter the following definitions apply:

3 “(1) EVIDENCE-BASED RECIDIVISM REDUCTION
4 PROGRAM.—The term ‘evidence-based recidivism re-
5 duction program’ means either a group or individual
6 activity that—

7 “(A) has been shown by empirical evidence
8 to reduce recidivism or is based on research in-
9 dicated that it is likely to be effective in reduc-
10 ing recidivism;

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

14 “(C) may include—

15 “(i) social learning and communica-
16 tion, interpersonal, anti-bullying, rejection
17 response, and other life skills;

18 “(ii) family relationship building,
19 structured parent-child interaction, and
20 parenting skills;

21 “(iii) classes on morals or ethics;

22 “(iv) academic classes;

23 “(v) cognitive behavioral treatment;

24 “(vi) mentoring;

25 “(vii) substance abuse treatment;

26 “(viii) vocational training;

- 1 “(ix) faith-based classes or services;
- 2 “(x) civic engagement and reintegra-
- 3 tive community services;
- 4 “(xi) a prison job, including through a
- 5 prison work program;
- 6 “(xii) victim impact classes or other
- 7 restorative justice programs; and
- 8 “(xiii) trauma counseling and trauma-
- 9 informed support programs.

10 “(2) PRISONER.—The term ‘prisoner’ means a

11 person who has been sentenced to a term of impris-

12 onment pursuant to a conviction for a Federal crimi-

13 nal offense, or a person in the custody of the Bureau

14 of Prisons.

15 “(3) RISK AND NEEDS ASSESSMENT TOOL.—

16 The term ‘risk and needs assessment tool’ means an

17 objective and statistically validated method through

18 which information is collected and evaluated to de-

19 termine—

20 “(A) the risk that a prisoner will recidivate

21 upon release from prison; and

22 “(B) the recidivism reduction programs

23 that will best minimize the risk that the pris-

24 oner will recidivate upon release from prison.

1 “(4) PRODUCTIVE ACTIVITY.—The term ‘pro-
2 ductive activity’ means either a group or individual
3 activity that is designed to allow prisoners deter-
4 mined as having a low or no risk of recidivating to
5 remain productive and thereby maintain a minimum
6 or low risk of recidivating, and may include the de-
7 livery of the programs described in paragraph (1) to
8 other prisoners.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for chapter 229 of title 18, United States Code, is amend-
11 ed by adding at the end the following:

“SUBCHAPTER D— RISK AND NEEDS ASSESSMENT SYSTEM

“3631. Duties of the Attorney General.

“3632. Development of risk and needs assessment system.

“3633. Evidence-based recidivism reduction program and recommendations.

“3634. Report.

“3635. Definitions.”.

12 **SEC. 102. IMPLEMENTATION OF SYSTEM AND REC-**
13 **COMMENDATIONS BY BUREAU OF PRISONS.**

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

17 “(h) IMPLEMENTATION OF RISK AND NEEDS AS-
18 SESSMENT SYSTEM.—

19 “(1) IN GENERAL.—Not later than 180 days
20 after the Attorney General completes and releases
21 the risk and needs assessment system (referred to in
22 this subsection as the ‘System’) developed under

1 subchapter D, the Director of the Bureau of Prisons
2 shall, in accordance with that subchapter—

3 “(A) implement and complete the initial in-
4 take risk and needs assessment for each pris-
5 oner (including for each prisoner who was a
6 prisoner prior the effective date of this sub-
7 section), regardless of the prisoner’s length of
8 imposed term of imprisonment, and begin to as-
9 sign prisoners to appropriate evidence-based re-
10 cidivism reduction programs based on that de-
11 termination;

12 “(B) begin to expand the effective evi-
13 dence-based recidivism reduction programs and
14 productive activities it offers and add any new
15 evidence-based recidivism reduction programs
16 and productive activities necessary to effectively
17 implement the System; and

18 “(C) begin to implement the other risk and
19 needs assessment tools necessary to effectively
20 implement the System over time, while pris-
21 oners are participating in and completing the
22 effective evidence-based recidivism reduction
23 programs and productive activities.

24 “(2) PHASE-IN.—In order to carry out para-
25 graph (1), so that every prisoner has the opportunity

1 to participate in and complete the type, amount, and
2 intensity of evidence-based recidivism reduction pro-
3 grams or productive activities they need, and be re-
4 assessed for recidivism risk as necessary to effec-
5 tively implement the System, the Bureau of Prisons
6 shall—

7 “(A) provide such evidence-based recidi-
8 vism reduction programs and productive activi-
9 ties for all prisoners before the date that is 2
10 years after the date on which the Bureau of
11 Prisons completes a risk and needs assessment
12 for each prisoner under paragraph (1)(A); and

13 “(B) develop and validate the risk and
14 needs assessment tool to be used in the reas-
15 sements of risk of recidivism, while prisoners
16 are participating in and completing evidence-
17 based recidivism reduction programs and pro-
18 ductive activities.

19 “(3) PRIORITY DURING PHASE-IN.—During the
20 2-year period described in paragraph (2)(A), the pri-
21 ority for such programs and activities shall be ac-
22 corded based on a prisoner’s proximity to release
23 date.

24 “(4) PRELIMINARY EXPANSION OF EVIDENCE-
25 BASED RECIDIVISM REDUCTION PROGRAMS AND AU-

1 THORITY TO USE INCENTIVES.—Beginning on the
2 date of the enactment of the Prison Reform and Re-
3 demption Act, the Bureau of Prisons may begin to
4 expand any evidence-based recidivism reduction pro-
5 grams and productive activities that exist at a prison
6 as of such date, and may offer to prisoners who suc-
7 cessfully participate in such programs and activities
8 the incentives and rewards described in subchapter
9 D.

10 “(5) RECIDIVISM REDUCTION PARTNERSHIPS.—
11 In order to expand evidence-based recidivism reduc-
12 tion programs and productive activities, the Attorney
13 General shall develop policies for the warden of each
14 prison of the Bureau of Prisons to enter into part-
15 nerships, subject to the availability of appropria-
16 tions, with any of the following:

17 “(A) Nonprofit and other private organiza-
18 tions, including faith-based, art, and commu-
19 nity-based organizations that will deliver recidi-
20 vism reduction programming on a paid or vol-
21 unteer basis.

22 “(B) Institutions of higher education (as
23 defined in section 101 of the Higher Education
24 Act of 1965 (20 U.S.C. 1001) that will deliver
25 instruction on a paid or volunteer basis.

1 “(C) Private entities that will—

2 “(i) deliver vocational training and
3 certifications;

4 “(ii) provide equipment to facilitate
5 vocational training or employment opportu-
6 nities for prisoners;

7 “(iii) employ prisoners; or

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

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

14 “(6) REQUIREMENT TO PROVIDE PROGRAMS TO
15 ALL PRISONERS; PRIORITY.—The Director of the
16 Bureau of Prisons shall provide all prisoners with
17 the opportunity actively participate in evidence-based
18 recidivism reduction programs or productive activi-
19 ties, according to their specific criminogenic needs,
20 throughout their entire term of incarceration. Pri-
21 ority for participation in recidivism reduction pro-
22 grams shall be given to medium-risk and high-risk
23 prisoners, with access to productive activities given
24 to minimum-risk and low-risk prisoners.

1 “(7) DEFINITIONS.—The terms in this sub-
2 section have the meaning given those terms in sec-
3 tion 3635.”.

4 (b) PRERELEASE CUSTODY.—

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

7 (A) in subsection (b)(1)—

8 (i) by striking “, beyond the time
9 served, of up to 54 days at the end of each
10 year of the prisoner’s term of imprison-
11 ment, beginning at the end of the first
12 year of the term,” and inserting “of up to
13 54 days for each year of the prisoner’s sen-
14 tence imposed by the court,”;

15 (ii) by striking “credit for the last
16 year or portion of a year of the term of im-
17 prisonment shall be prorated and credited
18 within the last six weeks of the sentence”
19 and inserting “credit for the last year of a
20 term of imprisonment shall be credited on
21 the first day of the last year of the term
22 of imprisonment”; and

23 (B) by adding at the end the following:

24 “(g) PRERELEASE CUSTODY FOR RISK AND NEEDS
25 ASSESSMENT SYSTEM PARTICIPANTS.—

1 “(1) ELIGIBLE PRISONERS.—This subsection
2 applies in the case of a prisoner (as such term is de-
3 fined in section 3635) who—

4 “(A) has earned time credits under the
5 risk and needs assessment system developed
6 under subchapter D (referred to in this sub-
7 section as the ‘System’) in an amount that is
8 equal to the remainder of the prisoner’s im-
9 posed term of imprisonment;

10 “(B) has shown through the periodic risk
11 reassessments a demonstrated recidivism risk
12 reduction or has maintained a minimum or low
13 recidivism risk, during the prisoner’s term of
14 imprisonment;

15 “(C) has been classified by the warden of
16 the prison as otherwise qualified to be trans-
17 ferred into prerelease custody; and

18 “(D) has been determined under the Sys-
19 tem to be a minimum or low risk to recidivate.

20 “(2) TYPES OF PRERELEASE CUSTODY.—A
21 prisoner shall be placed in prerelease custody as fol-
22 lows:

23 “(A) HOME CONFINEMENT.—

24 “(i) IN GENERAL.—A prisoner placed
25 in prerelease custody pursuant to this sub-

1 section who is placed in home confinement
2 shall—

3 “(I) be subject to 24-hour elec-
4 tronic monitoring that enables the
5 prompt identification of any violation
6 of subclause (II);

7 “(II) remain in the prisoner’s
8 residence, except that the prisoner
9 may leave the prisoner’s home in
10 order to, subject to the approval of
11 the Director of the Bureau of Pris-
12 ons—

13 “(aa) perform a job or job-
14 related activities, including an
15 apprenticeship, or participate in
16 job-seeking activities;

17 “(bb) participate in evi-
18 dence-based recidivism reduction
19 programming or productive ac-
20 tivities assigned by the System,
21 or similar activities;

22 “(cc) perform community
23 service;

24 “(dd) participate in crime
25 victim restoration activities;

1 “(ee) receive medical treat-
2 ment; or

3 “(ff) attend religious activi-
4 ties; and

5 “(III) comply with such other
6 conditions as the Director determines
7 appropriate.

8 “(ii) ALTERNATE MEANS OF MONI-
9 TORING.—If the electronic monitoring of a
10 prisoner described in clause (i)(I) is infea-
11 sible for technical or religious reasons, the
12 Director of the Bureau of Prisons may use
13 alternative means of monitoring a prisoner
14 placed in home confinement that the Direc-
15 tor determines are as effective or more ef-
16 fective than the electronic monitoring de-
17 scribed in clause (i)(I).

18 “(iii) MODIFICATIONS.—The Director
19 of the Bureau of Prisons may modify the
20 conditions described in clause (i) if the Di-
21 rector determines that a compelling reason
22 exists to do so, and that the prisoner has
23 demonstrated exemplary compliance with
24 such conditions.

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

7 “(B) COMMUNITY SUPERVISION.—A pris-
8 oner placed in prerelease custody pursuant to
9 this subsection who is placed on community su-
10 pervision—

11 “(i) shall be subject to such conditions
12 as the Director of the Bureau of Prisons
13 determines appropriate;

14 “(ii) may remain on community su-
15 pervision until the conclusion of the pris-
16 oner’s sentence; and

17 “(iii) may only be placed on commu-
18 nity supervision if the duration of the pris-
19 oner’s eligibility for community supervision
20 is equal to or longer than the duration of
21 the prisoner’s remaining period of
22 prerelease custody.

23 “(C) RESIDENTIAL REENTRY CENTER.—A
24 prisoner placed in prerelease custody pursuant
25 to this subsection who is placed at a residential

1 reentry center shall be subject to such condi-
2 tions as the Director of the Bureau of Prisons
3 determines appropriate.

4 “(3) DETERMINATION OF CONDITIONS.—In de-
5 termining appropriate conditions for prisoners
6 placed in prerelease custody pursuant to this sub-
7 section, the Director of the Bureau of Prisons shall,
8 to the extent practicable, provide that increasingly
9 less restrictive conditions shall be imposed on pris-
10 oners who demonstrate continued compliance with
11 the conditions of such prerelease custody, so as to
12 most effectively prepare such prisoners for reentry.

13 “(4) VIOLATIONS OF CONDITIONS.—If a pris-
14 oner violates a condition of the prisoner’s prerelease
15 custody, the Director of the Bureau of Prisons may
16 revoke the prisoner’s prerelease custody and require
17 the prisoner to serve the remainder of the term of
18 imprisonment to which the prisoner was sentenced,
19 or any portion thereof, in prison, or impose such ad-
20 ditional conditions on the prisoner’s prerelease cus-
21 tody as the Director of the Bureau of Prisons deter-
22 mines appropriate.

23 “(5) ISSUANCE OF GUIDELINES.—The Attorney
24 General, in consultation with the Assistant Director
25 for the Office of Probation and Pretrial Services,

1 shall issue guidelines, for use by the Bureau of Pris-
2 ons in determining—

3 “(A) the appropriate type of prerelease
4 custody and level of supervision for a prisoner
5 placed on prerelease custody pursuant to this
6 subsection; and

7 “(B) consequences for a violation of a con-
8 dition of such prerelease custody by such a pris-
9 oner, including a return to prison and a reas-
10 sessment of evidence-based recidivism risk level
11 under the System.

12 “(6) AGREEMENTS WITH UNITED STATES PRO-
13 BATION AND PRETRIAL SERVICES.—The Director of
14 the Bureau of Prisons shall, to the greatest extent
15 practicable, enter into agreements with United
16 States Probation and Pretrial Services to supervise
17 prisoners placed in home confinement or community
18 supervision under this subsection. Such agreements
19 shall—

20 “(A) authorize United States Probation
21 and Pretrial Services to exercise the authority
22 granted to the Director pursuant to paragraphs
23 (3) and (4); and

24 “(B) take into account the resource re-
25 quirements of United States Probation and

1 Pretrial Services as a result of the transfer of
2 Bureau of Prisons prisoners to prerelease cus-
3 tody.

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

9 “(8) MENTORING SERVICES.—Any prerelease
10 custody into which a prisoner is placed under this
11 subsection may not include a condition prohibiting
12 the prisoner from receiving mentoring services from
13 a person who provided such services to the prisoner
14 while the prisoner was incarcerated, except that the
15 warden of the facility at which the prisoner was in-
16 carcerated may waive the requirement under this
17 paragraph if the warden finds that the provision of
18 such services would pose a significant security risk
19 to the prisoner, persons who provide such services,
20 or any other person. The warden shall provide writ-
21 ten notice of any such waiver to the person providing
22 mentoring services and to the prisoner.

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

1 “(h) ALIEN PRISONERS SUBJECT TO DEPORTA-
2 TION.—If a prisoner who is placed in prerelease custody
3 is an alien whose deportation was ordered as a condition
4 of such prerelease custody or who is subject to a detainer
5 filed by United States Immigration and Customs Enforce-
6 ment for the purposes of determining the alien’s deport-
7 ability, United States Immigration and Customs Enforce-
8 ment shall take custody of the alien upon the alien’s trans-
9 fer to prerelease custody.”.

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

16 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated to carry out this title \$50,000,000 for each of fis-
19 cal years 2019 through 2023. Of the amount appropriated
20 under this subsection, 80 percent shall be reserved for use
21 by the Director of the Bureau of Prisons to implement
22 the system under section 102 and the amendments made
23 by that section.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that any savings associated with reductions in recidi-
3 vism that result from this title should be reinvested—

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

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

9 **SEC. 104. RULE OF CONSTRUCTION.**

10 Nothing in this Act, or the amendments made by this
11 Act, may be construed to provide authority to place a pris-
12 oner in prerelease custody who is serving a term of impris-
13 onment pursuant to a conviction for an offense under the
14 laws of one of the 50 States, or of a territory or possession
15 of the United States.

16 **TITLE II—BUREAU OF PRISONS**
17 **SECURE FIREARMS STORAGE**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “Lieutenant Osvaldo
20 Albarati Correctional Officer Self-Protection Act of
21 2018”.

22 **SEC. 202. SECURE FIREARMS STORAGE.**

23 (a) IN GENERAL.—Chapter 303 of title 18, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 4050. Secure firearms storage**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘employee’ means a qualified law
4 enforcement officer employed by the Bureau of Pris-
5 ons; and

6 “(2) the terms ‘firearm’ and ‘qualified law en-
7 forcement officer’ have the meanings given those
8 terms under section 926B.

9 “(b) SECURE FIREARMS STORAGE.—The Director of
10 the Bureau of Prisons shall ensure that each chief execu-
11 tive officer of a Federal penal or correctional institution—

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

15 “(B) allows employees to store firearms in a ve-
16 hicle lockbox approved by the Director of the Bureau
17 of Prisons; and

18 “(2) notwithstanding any other provision of
19 law, allows employees to carry concealed firearms on
20 the premises outside of the secure perimeter of the
21 institution.”.

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

“4050. Secure firearms storage.”.

1 **TITLE III—RESTRAINTS ON**
2 **PREGNANT PRISONERS PRO-**
3 **HIBITED**

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

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

10 **“§ 4322. Use of restraints on prisoners during the pe-**
11 **riod of pregnancy, labor, and postpartum**
12 **recovery prohibited**

13 “(a) PROHIBITION.—Except as provided in sub-
14 section (b), beginning on the date on which pregnancy is
15 confirmed by a healthcare professional, and ending at the
16 conclusion of postpartum recovery, a prisoner in the cus-
17 tody of the Bureau of Prisons, or in the custody of the
18 United States Marshals Service pursuant to section 4086,
19 shall not be placed in restraints.

20 “(b) EXCEPTIONS.—

21 “(1) IN GENERAL.—The prohibition under sub-
22 section (a) shall not apply if—

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

1 “(i) is an immediate and credible
2 flight risk that cannot reasonably be pre-
3 vented by other means; or

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

8 “(B) a health care professional responsible
9 for the health and safety of the prisoner deter-
10 mines that the use of restraints is appropriate
11 for the medical safety of the prisoner.

12 “(2) LEAST RESTRICTIVE RESTRAINTS.—In the
13 case that restraints are used pursuant to an excep-
14 tion under paragraph (1), only the least restrictive
15 restraints necessary to prevent the harm or risk of
16 escape described in paragraph (1) may be used.

17 “(3) APPLICATION.—

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

20 “(i) to place restraints around the an-
21 kles, legs, or waist of a prisoner;

22 “(ii) to restrain a prisoner’s hands be-
23 hind her back;

24 “(iii) to restrain a prisoner using
25 four-point restraints; or

1 “(iv) to attach a prisoner to another
2 prisoner.

3 “(B) MEDICAL REQUEST.—Notwith-
4 standing paragraph (1), upon the request of a
5 healthcare professional who is responsible for
6 the health and safety of a prisoner, a correc-
7 tions official or United States marshal, as ap-
8 plicable, shall refrain from using restraints on
9 the prisoner or remove restraints used on the
10 prisoner.

11 “(c) REPORTS.—

12 “(1) REPORT TO THE DIRECTOR AND
13 HEALTHCARE PROFESSIONAL.—If a corrections offi-
14 cial or United States marshal uses restraints on a
15 prisoner under subsection (b)(1), that official or
16 marshal shall submit, not later than 30 days after
17 placing the prisoner in restraints, to the Director of
18 the Bureau of Prisons or the Director of the United
19 States Marshals Service, as applicable, and to the
20 healthcare professional responsible for the health
21 and safety of the prisoner, a written report which
22 describes the facts and circumstances surrounding
23 the use of restraints, and includes—

24 “(A) the reasoning upon which the deter-
25 mination to use restraints was made;

1 “(B) the details of the use of restraints,
2 including the type of restraints used and length
3 of time during which restraints were used; and

4 “(C) any resulting physical effects on the
5 prisoner observed by or known to the correc-
6 tions official or United States marshal, as ap-
7 plicable.

8 “(2) SUPPLEMENTAL REPORT TO THE DIREC-
9 TOR.—Upon receipt of a report under subsection
10 (c)(1), the healthcare professional responsible for the
11 health and safety of the prisoner may submit to the
12 Director such information as the healthcare profes-
13 sional determines is relevant to the use of restraints
14 on the prisoner.

15 “(3) REPORT TO JUDICIARY COMMITTEES.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after the date of enactment of this Act, and an-
18 nually thereafter, the Director of the Bureau of
19 Prisons and the Director of the United States
20 Marshals Service shall each submit to the Judi-
21 ciary Committee of the Senate and of the
22 House of Representatives a report that certifies
23 compliance with this section and includes the
24 information required to be reported under para-
25 graph (1).

1 “(B) PERSONALLY IDENTIFIABLE INFOR-
2 MATION.—The report under this paragraph
3 shall not contain any personally identifiable in-
4 formation of any prisoner.

5 “(d) NOTICE.—Not later than 48 hours after the con-
6 firmation of a prisoner’s pregnancy by a health care pro-
7 fessional, that prisoner shall be notified by an appropriate
8 health care professional, corrections official, or United
9 States marshal, as applicable, of the restrictions on the
10 use of restraints under this section.

11 “(e) VIOLATION REPORTING PROCESS.—The Direc-
12 tor of the Bureau of Prisons, in consultation with the Di-
13 rector of the United States Marshals Service, shall estab-
14 lish a process through which a prisoner may report a viola-
15 tion of this section.

16 “(f) TRAINING.—

17 “(1) IN GENERAL.—The Director of the Bureau
18 of Prisons and the Director of the United States
19 Marshals Service shall each develop training guide-
20 lines regarding the use of restraints on female pris-
21 oners during the period of pregnancy, labor, and
22 postpartum recovery, and shall incorporate such
23 guidelines into appropriate training programs. Such
24 training guidelines shall include—

1 “(A) how to identify certain symptoms of
2 pregnancy that require immediate referral to a
3 health care professional;

4 “(B) circumstances under which the excep-
5 tions under subsection (b) would apply;

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

10 “(D) the information required to be re-
11 ported under subsection (c); and

12 “(E) the right of a health care professional
13 to request that restraints not be used, and the
14 requirement under subsection (b)(3)(B) to com-
15 ply with such a request.

16 “(2) DEVELOPMENT OF GUIDELINES.—In de-
17 veloping the guidelines required by paragraph (1),
18 the Directors shall each consult with health care
19 professionals with expertise in caring for women
20 during the period of pregnancy and postpartum re-
21 covery.

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

23 “(1) The term ‘postpartum recovery’ means the
24 six-week period, or longer as determined by the
25 healthcare professional responsible for the health

1 and safety of the prisoner, following delivery, and
2 shall include the entire period that the prisoner is in
3 the hospital or infirmary.

4 “(2) The term ‘restraints’ means any physical
5 or mechanical device used to control the movement
6 of a prisoner’s body, limbs, or both.

7 “(3) The term ‘prisoner’ means a person who
8 has been sentenced to a term of imprisonment pur-
9 suant to a conviction for a Federal criminal offense,
10 or a person in the custody of the Bureau of Prisons,
11 including a person in a Bureau of Prisons con-
12 tracted facility.”.

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

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

17 **TITLE IV—MISCELLANEOUS**
18 **CRIMINAL JUSTICE**

19 **SEC. 401. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.**

20 Subsection (b) of section 3621 of title 18, United
21 States Code, is amended by striking “shall designate the
22 place of the prisoner’s imprisonment.” and inserting
23 “shall designate the place of the prisoner’s imprisonment,
24 and shall, subject to bed availability and the prisoner’s se-

1 curity designation, place the prisoner in a facility as close
2 as practicable to the prisoner’s primary residence, but, in
3 any case, not more than 500 driving miles from the pris-
4 oner’s primary residence. Subject to bed availability and
5 the prisoner’s security designation, the Bureau shall
6 transfer prisoners to facilities that are closer to the pris-
7 oner’s primary residence even if the prisoner is already
8 in a facility within 500 driving miles of that residence,
9 unless the prisoner chooses to remain at his or her current
10 facility.”.

11 **SEC. 402. HOME CONFINEMENT FOR LOW RISK PRISONERS.**

12 Section 3624(c)(2) of title 18, United States Code,
13 is amended by adding at the end the following: “The Bu-
14 reau of Prisons shall, to the extent practicable, place pris-
15 oners with lower risk levels and lower needs on home con-
16 finement for the maximum amount of time permitted
17 under this paragraph.”.

18 **SEC. 403. FEDERAL PRISONER REENTRY INITIATIVE REAU-**
19 **THORIZATION; MODIFICATION OF IMPOSED**
20 **TERM OF IMPRISONMENT.**

21 (a) **FEDERAL PRISONER REENTRY INITIATIVE RE-**
22 **AUTHORIZATION.**—Section 231(g) of the Second Chance
23 Act of 2007 (34 U.S.C. 60541(g)) is amended—

24 (1) in paragraph (1)—

1 (A) by inserting “and eligible terminally ill
2 offenders” after “elderly offenders” each place
3 the term appears; and

4 (B) in subparagraph (B), by inserting “,
5 upon written request from either the Bureau of
6 Prisons or an eligible elderly offender or eligible
7 terminally ill offender” after “to home deten-
8 tion”;

9 (2) in paragraph (2), by inserting “or eligible
10 terminally ill offender” after “elderly offender”;

11 (3) in paragraph (3), by striking “and shall be
12 carried out during fiscal years 2009 and 2010” and
13 inserting “and shall be carried out during fiscal
14 years 2019 through 2022”;

15 (4) in paragraph (4)—

16 (A) by inserting “or eligible terminally ill
17 offender” after “each eligible elderly offender”;
18 and

19 (B) by inserting “and eligible terminally ill
20 offenders” after “eligible elderly offenders”;
21 and

22 (5) in paragraph (5)—

23 (A) in subparagraph (A)—

24 (i) in clause (i), striking “65 years of
25 age” and inserting “60 years of age”;

1 (ii) in clause (ii)—

2 (I) by striking “the greater of 10
3 years or”; and

4 (II) by striking “75 percent” and
5 inserting “ $\frac{2}{3}$ ”; and

6 (iii) in clause (vii), by inserting before
7 the period at the end the following: “, and
8 beginning on the date that is 2 years after
9 the date on which the Bureau of Prisons
10 has completed the initial intake risk and
11 needs assessment for each prisoner under
12 section 3621(h)(1)(A) of title 18, United
13 States Code, has been determined to have
14 a minimum or low risk of recidivism based
15 on 2 consecutive assessments described in
16 such section 3621”; and

17 (B) by adding at the end the following:

18 “(D) ELIGIBLE TERMINALLY ILL OF-
19 FENDER.—The term ‘eligible terminally ill of-
20 fender’ means an offender in the custody of the
21 Bureau of Prisons who—

22 “(i) is serving a term of imprisonment
23 based on conviction for an offense or of-
24 fenses that do not include any crime of vio-
25 lence (as defined in section 16(a) of title

1 18, United States Code), sex offense (as
2 defined in section 111(5) of the Sex Of-
3 fender Registration and Notification Act
4 (34 U.S.C. 20911(5))), offense described
5 in section 2332b(g)(5)(B) of title 18,
6 United States Code, or offense under chap-
7 ter 37 of title 18, United States Code;

8 “(ii) satisfies the criteria specified in
9 clauses (iii) through (vii) of subparagraph
10 (A); and

11 “(iii) has been determined by a med-
12 ical doctor approved by the Bureau of
13 Prisons to be—

14 “(I) in need of care at a nursing
15 home, intermediate care facility, or
16 assisted living facility, as those terms
17 are defined in section 232 of the Na-
18 tional Housing Act (12 U.S.C.
19 1715w); or

20 “(II) diagnosed with a terminal
21 illness.”.

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

1 (1) in subsection (c)(1)(A), in the matter pre-
2 ceding clause (i), by inserting after “Bureau of Pris-
3 ons,” the following: “or, upon motion of the defend-
4 ant after the defendant has fully exhausted all ad-
5 ministrative rights to appeal a failure of the Bureau
6 of Prisons to bring a motion on the defendant’s be-
7 half or the lapse of 30 days from the receipt of such
8 a request by the warden of the defendant’s facility,
9 whichever is earlier,”;

10 (2) by redesignating subsection (d) as sub-
11 section (e); and

12 (3) by inserting after subsection (c) the fol-
13 lowing:

14 “(d) NOTIFICATION REQUIREMENTS.—

15 “(1) TERMINAL ILLNESS DEFINED.—In this
16 subsection, the term ‘terminal illness’ means a dis-
17 ease or condition with an end-of-life trajectory.

18 “(2) NOTIFICATION.—The Bureau of Prisons
19 shall, subject to any applicable confidentiality re-
20 quirements—

21 “(A) in the case of a defendant diagnosed
22 with a terminal illness—

23 “(i) not later than 72 hours after the
24 diagnosis notify the defendant’s attorney,
25 partner, and family members of the de-

1 defendant’s condition and inform the defend-
2 ant’s attorney, partner, and family mem-
3 bers that they may prepare and submit on
4 the defendant’s behalf a request for a sen-
5 tence reduction pursuant to subsection
6 (c)(1)(A);

7 “(ii) not later than 7 days after the
8 date of the diagnosis, provide the defend-
9 ant’s partner and family members (includ-
10 ing extended family) with an opportunity
11 to visit the defendant in person;

12 “(iii) upon request from the defendant
13 or his attorney, partner, or a family mem-
14 ber, ensure that Bureau of Prisons employ-
15 ees assist the defendant in the preparation,
16 drafting, and submission of a request for a
17 sentence reduction pursuant to subsection
18 (c)(1)(A);and

19 “(iv) not later than 14 days of receipt
20 of a request for a sentence reduction sub-
21 mitted on the defendant’s behalf by the de-
22 fendant or the defendant’s attorney, part-
23 ner, or family member, process the re-
24 quest;

1 “(B) in the case of a defendant who is
2 physically or mentally unable to submit a re-
3 quest for a sentence reduction pursuant to sub-
4 section (c)(1)(A)—

5 “(i) inform the defendant’s attorney,
6 partner, and family members that they
7 may prepare and submit on the defend-
8 ant’s behalf a request for a sentence reduc-
9 tion pursuant subsection (c)(1)(A);

10 “(ii) accept and process a request for
11 sentence reduction that has been prepared
12 and submitted on the defendant’s behalf by
13 the defendant’s attorney, partner, or fam-
14 ily member under clause (i); and

15 “(iii) upon request from the defendant
16 or his attorney, partner, or family member,
17 ensure that Bureau of Prisons employees
18 assist the defendant in the preparation,
19 drafting, and submission of a request for a
20 sentence reduction pursuant subsection
21 (c)(1)(A); and

22 “(C) ensure that all Bureau of Prisons fa-
23 cilities regularly and visibly post, including in
24 prisoner handbooks, staff training materials,
25 and facility law libraries and medical and hos-

1 pice facilities, and make available to prisoners
2 upon demand, notice of

3 “(D) a defendant’s ability to request a sen-
4 tence reduction pursuant to subsection
5 (c)(1)(A);

6 “(E) the procedures and timelines for initi-
7 ating and resolving requests described in clause
8 (i); and

9 “(F) the right to appeal a denial of a re-
10 request described in clause (i) after all adminis-
11 trative rights to appeal within the Bureau of
12 Prisons have been exhausted.

13 “(3) ANNUAL REPORT.—Not later than 1 year
14 after the date of enactment of this subsection, and
15 once every year thereafter, the Director of the Bu-
16 reau of Prisons shall submit to the Committee on
17 the Judiciary of the Senate and the Committee on
18 the Judiciary of the House of Representatives a re-
19 port on requests for sentence reductions pursuant to
20 subsection (c)(1)(A), which shall include a descrip-
21 tion of, for the previous year—

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

1 “(B) the number of requests initiated by
2 or on behalf of prisoners, categorized by the cri-
3 teria relied on as the grounds for a reduction
4 in sentence;

5 “(C) the number of requests which Bureau
6 of Prisons employees assisted prisoners in
7 drafting, preparing, or submitting, categorized
8 by the criteria relied on as the grounds for a re-
9 duction in sentence, and the final decision made
10 in each request;

11 “(D) the number of requests which attor-
12 neys, partners, or family members submitted on
13 a defendant’s behalf, categorized by the criteria
14 relied on as the grounds for a reduction in sen-
15 tence, and the final decision made in each re-
16 quest;

17 “(E) the number of requests approved by
18 the Director of the Bureau of Prisons, cat-
19 egorized by the criteria relied on as the grounds
20 for a reduction in sentence;

21 “(F) the number of requests denied by the
22 Director of the Bureau of Prisons and the rea-
23 sons given for each denial, categorized by the
24 criteria relied on as the grounds for a reduction
25 in sentence;

1 “(G) for each request, the time elapsed be-
2 tween the date the request was received by the
3 warden and the final decision, categorized by
4 the criteria relied on as the grounds for a re-
5 duction in sentence;

6 “(H) for each request, the number of pris-
7 oners who died while their request was pending
8 and, for each, the amount of time that had
9 elapsed between the date the request was re-
10 ceived by the Bureau of Prisons, categorized by
11 the criteria relied on as the grounds for a re-
12 duction in sentence;

13 “(I) the number of Bureau of Prisons noti-
14 fications to attorneys, partners, and family
15 members of their right to visit a terminally ill
16 defendant as required under paragraph
17 (2)(A)(ii) and, for each, whether a visit oc-
18 curred and how much time elapsed between the
19 notification and the visit;

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

24 “(K) the number of motions filed by de-
25 fendants with the court after all administrative

1 rights to appeal a denial of a sentence reduction
2 had been exhausted, the outcome of each mo-
3 tion, and the time that had elapsed between the
4 date the request was first received by the Bu-
5 reau of Prisons and the date the defendant filed
6 the motion with the court.”.

7 **SEC. 404. IDENTIFICATION FOR RETURNING CITIZENS.**

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

11 (1) in paragraph (1)—

12 (A) by striking “(including” and inserting
13 ““prior to release from a term of imprisonment
14 in a Federal prison or if the individual was not
15 sentenced to a term of imprisonment in a Fed-
16 eral prison, prior to release from a sentence to
17 a term in community confinement, including”;

18 (B) by striking “or a birth certificate)
19 prior to release” and inserting “and a birth cer-
20 tificate”; and

21 (2) by adding at the end the following:

22 “(4) DEFINITION.—In this subsection, the term
23 ‘community confinement means’ residence in a com-
24 munity treatment center, halfway house, restitution

1 center, mental health facility, alcohol or drug reha-
2 bilitation center, or other community facility”.

3 (b) DUTIES OF THE BUREAU OF PRISONS.—Section
4 4042(a) of title 18 of the United States Code, is amend-
5 ed—

6 (1) by redesignating paragraph (D) as para-
7 graph (6);

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

9 (A) in clause (i)—

10 (i) by striking “Social Security
11 Cards,”; and

12 (ii) by striking “and” at the end;

13 (B) by redesignating clause (ii) as clause
14 (iii); and

15 (C) by inserting after clause (i) the fol-
16 lowing:

17 “(ii) obtain identification, including a
18 social security card, driver’s license or
19 other official photo identification, and a
20 birth certificate;”.

21 (D) in clause (iii) (as so redesignated), by
22 inserting after “prior to release” the following:
23 “from a sentence to a term of imprisonment in
24 a Federal prison or if the individual was not
25 sentenced to a term of imprisonment in a Fed-

1 eral prison, prior to release from a sentence to
2 a term of community confinement”.

3 **SEC. 405. MISCELLANEOUS.**

4 (a) REPEAL.—Section 4351 of title 18, United States
5 Code, is repealed.

6 (b) CONFORMING AMENDMENT.— Section 4352 of
7 title 18, United States Code, is amended in subsection (a),
8 by striking “National Institution of Corrections” and in-
9 serting “National Institute of Justice”.

10 (c) STRIKE RELATED TO FUNCTIONS OF THE NA-
11 TIONAL INSTITUTE OF CORRECTIONS.—The Department
12 of Justice Appropriations Act, 1997 (Title I, Div. A, Pub-
13 lic Law 104-208, 110 Stat. 3009-11) is amended under
14 the heading “Federal Prison System, Salaries and Ex-
15 penses” by striking the eighth proviso (pertaining to the
16 budget and functions of the National Institute of Correc-
17 tions).

18 **SEC. 406. EXPANDING INMATE EMPLOYMENT THROUGH**
19 **FEDERAL PRISON INDUSTRIES.**

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

1 **“§ 4130. Additional markets**

2 “(a) IN GENERAL.—Notwithstanding any other pro-
3 vision of law, Federal Prison Industries may sell products
4 to—

5 “(1) public entities for use in penal or correc-
6 tional institutions;

7 “(2) public entities for use in disaster relief or
8 emergency response;

9 “(3) the government of the District of Colum-
10 bia;

11 “(4) any organization described in section
12 501(c)(3), (c)(4), or (d) of the Internal Revenue
13 Code of 1986 that is exempt from taxation under
14 section 501(a) of that code.

15 “(b) DEFINITIONS.—In this section:

16 “(1) The term ‘public entity’ means a State, a
17 subdivision of a State, an Indian tribe, and an agen-
18 cy or governmental corporation or business of any of
19 the foregoing.

20 “(2) The term ‘State’ means a State, the Dis-
21 trict of Columbia, the Commonwealth of Puerto
22 Rico, Guam, American Samoa, the Northern Mar-
23 iana Islands, and the United States Virgin Islands.”.

24 (b) TECHNICAL AMENDMENT.—The table of sections
25 for chapter 307 of title 18, United States Code, is amend-

1 ed by inserting after the item related to section 4129 the
2 following:

“4130. Additional markets.”.

3 (c) DEFERRED COMPENSATION.—Section 4126(c)(4)
4 of title 18, United States Code, is amended by inserting
5 after “operations,” the following: “a portion of which such
6 compensation for any inmate shall be reserved in the fund
7 or a separate account and made available for a specified
8 use or uses by or for the benefit of the inmate following
9 release from custody,”.

10 **SEC. 407. DE-ESCALATION TRAINING.**

11 Beginning not later than 1 year after the date of the
12 enactment of this Act, the Director of the Bureau of Pris-
13 ons shall incorporate into training programs provided to
14 officers and employees of the Bureau of Prisons (including
15 officers and employees of an organization with which the
16 Bureau of Prisons has a contract to provide services relat-
17 ing to imprisonment) specialized and comprehensive train-
18 ing in procedures to—

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

23 (2) identify and appropriately respond to inci-
24 dents that involve the unique needs of individuals
25 who have a mental illness or cognitive deficit.

1 **SEC. 408. EVIDENCE-BASED TREATMENT FOR OPIOID AND**
2 **HEROIN ABUSE.**

3 (a) REPORT ON EVIDENCE-BASED TREATMENT FOR
4 OPIOID AND HEROIN ABUSE.—Not later than 90 days
5 after the date of the enactment of this Act, the Director
6 of the Bureau of Prisons shall submit to the Committees
7 on the Judiciary and the Committees on Appropriations
8 of the Senate and of the House of Representatives a report
9 assessing the availability of and the capacity of the Bureau
10 of Prisons to treat heroin and opioid abuse through evi-
11 dence-based programs, including medication-assisted
12 treatment where appropriate. In preparing the report, the
13 Director shall consider medication-assisted treatment as
14 a strategy to assist in treatment where appropriate and
15 not as a replacement for holistic and other drug-free ap-
16 proaches. The report shall include a description of plans
17 to expand access to evidence-based treatment for heroin
18 and opioid abuse for prisoners, including access to medica-
19 tion-assisted treatment in appropriate cases. Following
20 submission, the Director shall take steps to implement
21 these plans.

22 (b) REPORT ON THE AVAILABILITY OF MEDICATION-
23 ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,
24 AND IMPLEMENTATION THEREOF.—Not later than 90
25 days after the date of the enactment of this Act, the Direc-
26 tor of the Administrative Office of the United States

1 Courts shall submit to the Committees on the Judiciary
2 and the Committees on Appropriations of the Senate and
3 of the House of Representatives a report assessing the
4 availability of and capacity for the provision of medication-
5 assisted treatment for opioid and heroin abuse by treat-
6 ment-service providers serving prisoners who are serving
7 a term of supervised release, and including a description
8 of plans to expand access to medication assisted treatment
9 for heroin and opioid abuse whenever appropriate among
10 prisoners under supervised release. Following submission,
11 the Director will take steps to implement these plans.

12 **SEC. 409. PILOT PROGRAMS.**

13 (a) IN GENERAL.—The Bureau of Prisons shall es-
14 tablish each of the following pilot programs for 2 years,
15 in at least 10 facilities:

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

22 (2) SERVICE TO ABANDONED, RESCUED, OR
23 OTHERWISE VULNERABLE ANIMALS.—A program to
24 equip prisoners with the skills to provide training
25 and therapy to animals seized by Federal law en-

1 **SEC. 411. DATA COLLECTION.**

2 (a) NATIONAL PRISONER STATISTICS PROGRAM.—

3 Beginning not later than one year after the date of the
4 enactment of this Act, and annually thereafter, pursuant
5 to the authority under section 302 of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C. 3732),
7 the Director of the Bureau of Justice Statistics, with in-
8 formation that shall be provided by the Director of the
9 Bureau of Prisons, shall include in the National Prisoner
10 Statistics Program the following:

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

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

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

23 (4) The numbers of prisoners who volunteered
24 to participate in a substance abuse treatment pro-
25 gram, and the number of prisoners who have partici-
26 pated in such a program.

1 (5) The number of prisoners provided metha-
2 done or buprenorphine while in custody in order to
3 manage withdrawal or to continually treat substance
4 dependence and abuse.

5 (6) The number of prisoners who were receiving
6 methadone or buprenorphine therapy prior to the
7 commencement of their term of imprisonment.

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

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

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

15 (10) The number of prisoners who, during the
16 previous year, received their GED or other equiva-
17 lent certificate while incarcerated.

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

20 (12) The number of incidents, during the pre-
21 vious year, in which restraints were used on a female
22 prisoner during pregnancy, labor, or postpartum re-
23 covery, as well as information relating to the type of
24 restraints used, and the circumstances under which
25 each incident occurred.

1 (13) The vacancy rate for medical and health
2 care staff positions, and average length of such a va-
3 cancy.

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

8 (15) The number of facilities that during the
9 previous year were accredited by the American Cor-
10 rectional Association.

11 (16) The number and type of recidivism reduc-
12 tion partnerships described in section 3621(h)(5) of
13 title 18, United States Code, entered into by each
14 facility.

15 (17) The number of facilities with remote learn-
16 ing capabilities.

17 (18) The number of facilities that offer pris-
18 oners video conferencing.

19 (19) Any changes in costs related to legal phone
20 calls and visits following implementation of section
21 403 of this Act.

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

24 (21) For each Bureau of Prisons facility, the
25 total number of violations that resulted in reductions

1 in rewards, incentives, or time credits, the number
2 of such violations for each category of violation, and
3 the demographic breakdown of the prisoners who
4 have received such reductions.

5 (22) The number of assaults on Bureau of Pris-
6 on staff by prisoners and the number of criminal
7 prosecutions of prisoners for assaulting Bureau of
8 Prison staff.

9 (b) REPORT TO JUDICIARY COMMITTEES.—Begin-
10 ning not later than one year after the date of the enact-
11 ment of this Act, and annually thereafter for a period of
12 7 years, the Director of the Bureau of Justice Statistics
13 shall submit a report containing the information described
14 in paragraphs (1) through (22) of subsection (a) to the
15 Committees on the Judiciary of the House of Representa-
16 tives and of the Senate.

17 **SEC. 412. HEALTHCARE PRODUCTS.**

18 (a) AVAILABILITY.—The Director of the Bureau of
19 Prisons shall make the healthcare products described in
20 subsection (c) available to prisoners for free, in a quantity
21 that is appropriate to the healthcare needs of each pris-
22 oner.

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

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

