

[COMMITTEE PRINT]

[NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.]

Calendar No. 000

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
115-000

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE,
AND RELATED AGENCIES APPROPRIATIONS BILL, 2018

JULY 00, 2017.—Ordered to be printed

Mr. SHELBY, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the bill (S. 0000) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2018, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Total obligational authority, fiscal year 2018

Total of bill as reported to the Senate ¹	\$65,022,000,000
Amount of 2017 appropriations	65,218,000,000
Amount of 2018 budget estimate	59,941,833,000
Bill as recommended to Senate compared to—	
2017 appropriations	- 196,000,000
2018 budget estimate	+ 5,080,167,000

¹This level does not include -\$11,317,000,000 in adjustments that the Congressional Budget Office (CBO) scores to the bill. With these scorekeeping adjustments, the bill totals \$53,366,000,000 in discretionary budget authority.

across the United States, particularly hiring of correctional officers at medium- and high-security facilities without being hindered by an arbitrary staffing level.

Augmentation.—While BOP reports that there is a higher incidence of serious assaults by inmates on staff at high- and medium-security institutions than at the lower security facilities, to meet staffing needs, the BOP still routinely uses a process called “augmentation”, whereby a non-custody employee is assigned custody responsibilities. The Committee directs the BOP to curtail its over-reliance on augmentation and instead hire additional full-time correctional staff before continuing to augment existing staff. BOP is further directed to submit quarterly reports to the Committee on the inmate-to-correctional officer ratios at each facility.

Alleviating Overcrowding at High-Security Facilities.—The overcrowding rate at high-security prisons remains high at 25 percent. The Committee supports BOP’s efforts to alleviate overcrowding at high-security facilities through the process of activating additional prisons. The Committee expects BOP to adhere to the activation schedule included in BOP’s budget submission regarding these prison facilities, including the acceptance of high-security inmates at the United States Penitentiary [USP] in Thomson, Illinois, as BOP estimates overcrowding at high-security facilities to be reduced to 19 percent with the full opening of USP Thomson.

Medication-Assisted Treatment Expansion.—The Committee directs that no less than the fiscal year 2017 level be provided for BOP to continue the medication-assisted treatment program for inmates with heroin and opioid addiction. This voluntary pilot program treats approximately 200 inmates in residential reentry centers. The Department is directed to immediately assist BOP with fully staffing this program for its expansion into the Northeast Region.

Federal Detainers.—In an effort to ensure that criminal aliens are not improperly released into our communities, the Committee directs BOP to offer Immigration and Customs Enforcement [ICE] the first opportunity to take into custody and remove an individual with a Federal detainer instead of BOP and ICE automatically deferring to States and municipalities who are seeking custody of the same individual. ICE’s decision to exercise this right of first refusal with BOP will be informed, in part, by the State or municipality’s willingness to cooperate with Federal authorities on ICE detainers.

Compassionate Release.—The Committee notes that BOP expanded the grounds for and streamlined the process of considering requests for compassionate release in 2013. The Committee is also aware that the Department of Justice Office of Inspector General [OIG] recommended additional reforms to the compassionate release program in a 2013 review of the program. In 2016, the U.S. Sentencing Commission [USSC] amended the criteria for compassionate release and encouraged BOP to file a motion for those prisoners who meet the criteria the Commission identified.

Within 60 days of enactment of this act, the Committee directs BOP to submit to the Committee the following: (1) any steps taken by BOP to implement the OIG and USSC’s recommendations; (2) for those recommendations not met, BOP’s plan for meeting them or reasons why they cannot be implemented; (3) the number of

prisoners granted and denied compassionate release during each of the last 5 years; (4) for each year, the number of requests initiated by or on behalf of prisoners, categorized by the criteria relied on as grounds for a reduction in sentence; (5) for each year, the number of requests approved by the Director of the BOP, categorized by the criteria relied on as grounds for a reduction in sentence; (6) for each year, the number of denials by the Director of the BOP, categorized by the criteria relied on as grounds for a reduction in sentence and the reason given for the denial; (7) for each year, the time elapsed between the date the request was received by the warden and the final decision, categorized by the criteria relied on as grounds for a reduction in sentence; and (8) for each year, the number of prisoners who died while their compassionate release requests were pending and, for each, the amount of time that had elapsed between the date the request was received by the warden.

BOP Contract Prisons.—In August 2016, the OIG issued “Review of the Federal Bureau of Prisons Monitoring of Contract Prisons.” The report found, “that in a majority of the categories we examined, contract prisons incurred more safety and security incidents per capita than comparable BOP institutions” and “that the BOP needs to improve the way it monitors contract prisons.” For example, none of BOP’s procedures for monitoring contract compliance with regard to health services measured whether inmates actually received basic medical care. The OIG cited numerous incidents and made four recommendations to improve monitoring and oversight of contract prisons.

Within 90 days of enactment of this act, BOP is directed to provide a report to the Committee describing BOP’s use of contract facilities for fiscal years 2016 and 2017. The report shall include the number of contract facilities utilized by BOP, to include the companies providing these services, the status of these contracts explaining any terminations or renewals during the periods under review, and compliance status of any remedial or corrective actions recommended by BOP or OIG for each company and contract; details of inspections, evaluations, or incident reports, including the number of safety and security incidents at each facility, whether these incidents resulted in injury or death, and any evaluations of incidents conducted in response to the OIG recommendation, issued by BOP or OIG regarding any of these facilities during the period under review, including a current analysis of the condition of each facility under contract and whether BOP believes that such facilities remain suitable for use; the percentage of both U.S. citizens and foreign nationals housed in each facility; verification of whether each facility is providing basic medical services such as medical exams and immunizations; verification of actual correctional officer staffing levels as compared to contracted levels; a detailed accounting of the progress made in addressing the OIG’s recommendations; and any information regarding announced changes in contract specifications for current or future contracts for each facility, including bed capacity limits, and the justification for and budgetary impact of such changes.