

114TH CONGRESS  
1ST SESSION

# S. 467

To reduce recidivism and increase public safety, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2015

Mr. CORNYN (for himself, Mr. WHITEHOUSE, Mr. LEE, Mr. BLUMENTHAL, Mr. HATCH, Mr. COONS, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To reduce recidivism and increase public safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Corrections Oversight,  
5 Recidivism Reduction, and Eliminating Costs for Tax-  
6 payers In Our National System Act of 2015” or the  
7 “CORRECTIONS Act”.

1 **SEC. 2. RECIDIVISM REDUCTION PROGRAMMING AND PRO-**  
2 **DUCTIVE ACTIVITIES.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Attorney General  
5 shall—

6 (1) conduct a review of recidivism reduction  
7 programming and productive activities, including  
8 prison jobs, offered in correctional institutions, in-  
9 cluding programming and activities offered in State  
10 correctional institutions, which shall include a review  
11 of research on the effectiveness of such programs;

12 (2) conduct a survey to identify products, in-  
13 cluding products purchased by Federal agencies,  
14 that are currently manufactured overseas and could  
15 be manufactured by prisoners participating in a  
16 prison work program without reducing job opportu-  
17 nities for other workers in the United States; and

18 (3) submit to the Committee on the Judiciary  
19 and the Committee on Appropriations of the Senate  
20 and the Committee on the Judiciary and the Com-  
21 mittee on Appropriations of the House of Represent-  
22 atives a strategic plan for the expansion of recidi-  
23 vism reduction programming and productive activi-  
24 ties, including prison jobs, in Bureau of Prisons fa-  
25 cilities required by section 3621(h)(1) of title 18,  
26 United States Code, as added by subsection (b).

1 (b) AMENDMENT.—Section 3621 of title 18, United  
2 States Code, is amended by adding at the end the fol-  
3 lowing:

4 “(h) RECIDIVISM REDUCTION PROGRAMMING AND  
5 PRODUCTIVE ACTIVITIES.—

6 “(1) IN GENERAL.—The Director of the Bureau  
7 of Prisons, shall, subject to the availability of appro-  
8 priations, make available to all eligible prisoners ap-  
9 propriate recidivism reduction programming or pro-  
10 ductive activities, including prison jobs, in accord-  
11 ance with paragraph (2).

12 “(2) EXPANSION PERIOD.—

13 “(A) IN GENERAL.—In carrying out this  
14 subsection, the Director of the Bureau of Pris-  
15 ons shall have 6 years beginning on the date of  
16 enactment of this subsection to ensure appro-  
17 priate recidivism reduction programming and  
18 productive activities, including prison jobs, are  
19 available for all eligible prisoners.

20 “(B) CERTIFICATION.—

21 “(i) IN GENERAL.—The National In-  
22 stitute of Corrections shall evaluate all re-  
23 cidivism reduction programming or produc-  
24 tive activities that are made available to el-  
25 ible prisoners and determine whether

1           such programming or activities may be cer-  
2           tified as evidence-based and effective at re-  
3           ducing or mitigating offender risk and re-  
4           cidivism.

5           “(ii) CONSIDERATIONS.—In deter-  
6           mining whether or not to issue a certifi-  
7           cation under clause (i), the National Insti-  
8           tute of Corrections shall consult with inter-  
9           nal or external program evaluation experts,  
10          including the Office of Management and  
11          Budget and the Comptroller General of the  
12          United States to identify appropriate eval-  
13          uation methodologies for each type of pro-  
14          gram offered, and may use analyses of  
15          similar programs conducted in other cor-  
16          rectional settings.

17          “(3) RECIDIVISM REDUCTION PARTNERSHIPS.—

18          Not later than 18 months after the date of enact-  
19          ment of this subsection, the Attorney General shall  
20          issue regulations requiring the official in charge of  
21          each correctional facility to ensure, subject to the  
22          availability of appropriations, that appropriate re-  
23          cidivism reduction programming and productive ac-  
24          tivities, including prison jobs, are available for all el-  
25          igible prisoners within the time period specified in

1 paragraph (2), by entering into partnerships with  
2 the following:

3 “(A) Nonprofit organizations, including  
4 faith-based and community-based organizations,  
5 that provide recidivism reduction programming,  
6 on a paid or volunteer basis.

7 “(B) Educational institutions that will de-  
8 liver academic classes in Bureau of Prisons fa-  
9 cilities, on a paid or volunteer basis.

10 “(C) Private entities that will, on a volun-  
11 teer basis—

12 “(i) deliver occupational and voca-  
13 tional training and certifications in Bureau  
14 of Prisons facilities;

15 “(ii) provide equipment to facilitate  
16 occupational and vocational training or em-  
17 ployment opportunities for prisoners;

18 “(iii) employ prisoners; or

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

22 “(4) ASSIGNMENTS.—In assigning prisoners to  
23 recidivism reduction programming and productive  
24 activities, the Director of the Bureau of Prisons  
25 shall use the Post-Sentencing Risk and Needs As-

1        assessment System described in section 3621A and  
2        shall ensure that—

3                “(A) to the extent practicable, prisoners  
4                are separated from prisoners of other risk clas-  
5                sifications in accordance with best practices for  
6                effective recidivism reduction;

7                “(B) a prisoner who has been classified as  
8                low risk and without need for recidivism reduc-  
9                tion programming shall participate in and suc-  
10               cessfully complete productive activities, includ-  
11               ing prison jobs, in order to maintain a low-risk  
12               classification;

13               “(C) a prisoner who has successfully com-  
14               pleted all recidivism reduction programming to  
15               which the prisoner was assigned shall partici-  
16               pate in productive activities, including a prison  
17               job; and

18               “(D) to the extent practicable, each eligible  
19               prisoner shall participate in and successfully  
20               complete recidivism reduction programming or  
21               productive activities, including prison jobs,  
22               throughout the entire term of incarceration of  
23               the prisoner.

24               “(5) MENTORING SERVICES.—Any person who  
25               provided mentoring services to a prisoner while the

1 prisoner was in a penal or correctional facility of the  
2 Bureau of Prisons shall be permitted to continue  
3 such services after the prisoner has been transferred  
4 into prerelease custody, unless the person in charge  
5 of the penal or correctional facility of the Bureau of  
6 Prisons demonstrates, in a written document sub-  
7 mitted to the person, that such services would be a  
8 significant security risk to the prisoner, persons who  
9 provide such services, or any other person.

10 “(6) RECIDIVISM REDUCTION PROGRAM INCEN-  
11 TIVES AND REWARDS.—Prisoners who have success-  
12 fully completed recidivism reduction programs and  
13 productive activities shall be eligible for the fol-  
14 lowing:

15 “(A) TIME CREDITS.—

16 “(i) IN GENERAL.—Subject to clauses  
17 (ii) and (iii), a prisoner who has success-  
18 fully completed a recidivism reduction pro-  
19 gram or productive activity that has been  
20 certified under paragraph (2)(B) shall re-  
21 ceive time credits of 5 days for each period  
22 of 30 days of successful completion of such  
23 program or activity. A prisoner who is  
24 classified as low risk shall receive addi-  
25 tional time credits of 5 days for each pe-

1           riod of 30 days of successful completion of  
2           such program or activity.

3           “(ii) AVAILABILITY.—A prisoner may  
4           not receive time credits under this sub-  
5           paragraph for successfully completing a re-  
6           cidivism reduction program or productive  
7           activity—

8                   “(I) before the date of enactment  
9                   of this subsection; or

10                   “(II) during official detention be-  
11                   fore the date on which the prisoner’s  
12                   sentence commences under section  
13                   3585(a).

14           “(iii) EXCLUSIONS.—No credit shall  
15           be awarded under this subparagraph to a  
16           prisoner serving a sentence for a second or  
17           subsequent conviction for a Federal offense  
18           imposed after the date on which the pris-  
19           oner’s first such conviction became final.  
20           No credit shall be awarded under this sub-  
21           paragraph to a prisoner who is in criminal  
22           history category VI at the time of sen-  
23           tencing. No credit shall be awarded under  
24           this subparagraph to any prisoner serving



1 a sentence of imprisonment for conviction  
2 for any of the following offenses:

3 “(I) A Federal crime of ter-  
4 rorism, as defined under section  
5 2332b(g)(5).

6 “(II) A Federal crime of violence,  
7 as defined under section 16.

8 “(III) A Federal sex offense, as  
9 described in section 111 of the Sex  
10 Offender Registration and Notifica-  
11 tion Act (42 U.S.C. 16911).

12 “(IV) A violation of section 1962.

13 “(V) Engaging in a continuing  
14 criminal enterprise, as defined in sec-  
15 tion 408 of the Controlled Substances  
16 Act (21 U.S.C. 848).

17 “(VI) A Federal fraud offense for  
18 which the prisoner received a sentence  
19 of imprisonment of more than 15  
20 years.

21 “(VII) A Federal crime involving  
22 child exploitation, as defined in sec-  
23 tion 2 of the PROTECT Our Children  
24 Act of 2008 (42 U.S.C. 17601).

1           “(iv) IDENTIFICATION OF COVERED  
2           OFFENSES.—Not later than 1 year after  
3           the date of enactment of this subsection,  
4           the United States Sentencing Commission  
5           shall prepare and submit to the Director of  
6           the Bureau of Prisons a list of all Federal  
7           offenses described in subclauses (I)  
8           through (VII) of clause (iii), and shall up-  
9           date such list on an annual basis.

10           “(B) OTHER INCENTIVES.—The Bureau of  
11           Prisons shall develop policies to provide appro-  
12           priate incentives for successful completion of re-  
13           cidivism reduction programming and productive  
14           activities, other than time credit pursuant to  
15           subparagraph (A), including incentives for pris-  
16           oners who are precluded from earning credit  
17           under subparagraph (A)(iii). Such incentives  
18           may include additional telephone or visitation  
19           privileges for use with family, close friends,  
20           mentors, and religious leaders.

21           “(C) PENALTIES.—The Bureau of Prisons  
22           may reduce rewards a prisoner has previously  
23           earned under subparagraph (A) for prisoners  
24           who violate the rules of the penal or correc-  
25           tional facility in which the prisoner is impris-

1           oned, a recidivism reduction program, or a pro-  
2           ductive activity.

3           “(D) RELATION TO OTHER INCENTIVE  
4           PROGRAMS.—The incentives described in this  
5           paragraph shall be in addition to any other re-  
6           wards or incentives for which a prisoner may be  
7           eligible, except that a prisoner shall not be eligi-  
8           ble for the time credits described in subpara-  
9           graph (A) if the prisoner has accrued time cred-  
10          its under another provision of law based solely  
11          upon participation in, or successful completion  
12          of, such program.

13          “(7) SUCCESSFUL COMPLETION.—For purposes  
14          of this subsection, a prisoner—

15                 “(A) shall be considered to have success-  
16                 fully completed a recidivism reduction program  
17                 or productive activity, if the Bureau of Prisons  
18                 determines that the prisoner—

19                         “(i) regularly attended and partici-  
20                         pated in the recidivism reduction program  
21                         or productive activity;

22                         “(ii) regularly completed assignments  
23                         or tasks in a manner that allowed the pris-  
24                         oner to realize the criminogenic benefits of

1 the recidivism reduction program or pro-  
2 ductive activity;

3 “(iii) did not regularly engage in dis-  
4 ruptive behavior that seriously undermined  
5 the administration of the recidivism reduc-  
6 tion program or productive activity; and

7 “(iv) satisfied the requirements of  
8 clauses (i) through (iii) for a time period  
9 that is not less than 30 days and allowed  
10 the prisoner to realize the criminogenic  
11 benefits of the recidivism reduction pro-  
12 gram or productive activity; and

13 “(B) for purposes of paragraph (6)(A),  
14 may be given credit for successful completion of  
15 a recidivism reduction program or productive  
16 activity for the time period during which the  
17 prisoner participated in such program or activ-  
18 ity if the prisoner satisfied the requirements of  
19 subparagraph (A) during such time period, not-  
20 withstanding that the prisoner continues to par-  
21 ticipate in such program or activity.

22 “(8) DEFINITIONS.—In this subsection:

23 “(A) ELIGIBLE PRISONER.—For purposes  
24 of this subsection, the term ‘eligible prisoner’—

1           “(i) means a prisoner serving a sen-  
2           tence of incarceration for conviction of a  
3           Federal offense; and

4           “(ii) does not include any prisoner  
5           who the Bureau of Prisons determines—

6                   “(I) is medically unable to suc-  
7                   cessfully complete recidivism reduction  
8                   programming or productive activities;

9                   “(II) would present a security  
10                  risk if permitted to participate in re-  
11                  cidivism reduction programming; or

12                  “(III) is serving a sentence of in-  
13                  carceration of less than 1 month.

14           “(B) PRODUCTIVE ACTIVITY.—The term  
15           ‘productive activity’—

16                   “(i) means a group or individual ac-  
17                   tivity, including holding a job as part of a  
18                   prison work program, that is designed to  
19                   allow prisoners classified as having a lower  
20                   risk of recidivism to maintain such classi-  
21                   fication, when offered to such prisoners;  
22                   and

23                   “(ii) may include the delivery of the  
24                   activities described in subparagraph  
25                   (C)(i)(II) to other prisoners.

1           “(C) RECIDIVISM REDUCTION PROGRAM.—

2           The term ‘recidivism reduction program’

3           means—

4                   “(i) a group or individual activity

5           that—

6                           “(I) has been certified to reduce

7                           recidivism or promote successful re-

8                           entry; and

9                           “(II) may include—

10                                   “(aa) classes on social learn-

11                                   ing and life skills;

12                                   “(bb) classes on morals or

13                                   ethics;

14                                   “(cc) academic classes;

15                                   “(dd) cognitive behavioral

16                                   treatment;

17                                   “(ee) mentoring;

18                                   “(ff) occupational and voca-

19                                   tional training;

20                                   “(gg) faith-based classes or

21                                   services;

22                                   “(hh) domestic violence edu-

23                                   cation and deterrence program-

24                                   ming;

1                   “(ii) victim-impact classes or  
2                   other restorative justice pro-  
3                   grams; and

4                   “(jj) a prison job; and

5                   “(ii) shall include—

6                   “(I) a productive activity; and

7                   “(II) recovery programming.

8                   “(D) RECOVERY PROGRAMMING.—The  
9                   term ‘recovery programming’ means a course of  
10                  instruction or activities, other than a course de-  
11                  scribed in subsection (e), that has been dem-  
12                  onstrated to reduce drug or alcohol abuse or de-  
13                  pendence among participants, or to promote re-  
14                  covery among individuals who have previously  
15                  abused alcohol or drugs, to include appropriate  
16                  medication-assisted treatment.”.

17 **SEC. 3. POST-SENTENCING RISK AND NEEDS ASSESSMENT**  
18 **SYSTEM.**

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

22 **“§ 3621A. Post-sentencing risk and needs assessment**  
23 **system**

24           “(a) IN GENERAL.—Not later than 30 months after  
25 the date of the enactment of this section, the Attorney

1 General shall develop for use by the Bureau of Prisons  
2 an offender risk and needs assessment system, to be  
3 known as the ‘Post-Sentencing Risk and Needs Assess-  
4 ment System’ or the ‘Assessment System’, which shall—

5           “(1) assess and determine the recidivism risk  
6 level of all prisoners and classify each prisoner as  
7 having a low, moderate, or high risk of recidivism;

8           “(2) to the extent practicable, assess and deter-  
9 mine the risk of violence of all prisoners;

10           “(3) ensure that, to the extent practicable, low-  
11 risk prisoners are grouped together in housing and  
12 assignment decisions;

13           “(4) assign each prisoner to appropriate recidi-  
14 vism reduction programs or productive activities  
15 based on the prisoner’s risk level and the specific  
16 criminogenic needs of the prisoner, and in accord-  
17 ance with section 3621(h)(4);

18           “(5) reassess and update the recidivism risk  
19 level and programmatic needs of each prisoner pur-  
20 suant to the schedule set forth in subsection (c)(2),  
21 and assess changes in the prisoner’s recidivism risk  
22 within a particular risk level; and

23           “(6) provide information on best practices con-  
24 cerning the tailoring of recidivism reduction pro-  
25 grams to the specific criminogenic needs of each



1 prisoner so as to effectively lower the prisoner’s risk  
2 of recidivating.

3 “(b) DEVELOPMENT OF SYSTEM.—

4 “(1) IN GENERAL.—In designing the Assess-  
5 ment System, the Attorney General shall—

6 “(A) use available research and best prac-  
7 tices in the field and consult with academic and  
8 other criminal justice experts as appropriate;  
9 and

10 “(B) ensure that the Assessment System  
11 measures indicators of progress and improve-  
12 ment, and of regression, including newly ac-  
13 quired skills, attitude, and behavior changes  
14 over time, through meaningful consideration of  
15 dynamic risk factors, such that—

16 “(i) all prisoners at each risk level  
17 other than low risk have a meaningful op-  
18 portunity to progress to a lower risk classi-  
19 fication during the period of the incarcer-  
20 ation of the prisoner through changes in  
21 dynamic risk factors; and

22 “(ii) all prisoners on prerelease cus-  
23 tody, other than prisoners classified as low  
24 risk, have a meaningful opportunity to  
25 progress to a lower risk classification dur-

1           ing such custody through changes in dy-  
2           namic risk factors.

3           “(2) RISK AND NEEDS ASSESSMENT TOOLS.—

4           In carrying out this subsection, the Attorney Gen-  
5           eral shall—

6                   “(A) develop a suitable intake assessment  
7                   tool to perform the initial assessments and de-  
8                   terminations described in subsection (a)(1), and  
9                   to make the assignments described in sub-  
10                  section (a)(3);

11                  “(B) develop a suitable reassessment tool  
12                  to perform the reassessments and updates de-  
13                  scribed in subsection (a)(4); and

14                  “(C) develop a suitable tool to assess the  
15                  recidivism risk level of prisoners in prerelease  
16                  custody.

17           “(3) USE OF EXISTING RISK AND NEEDS AS-  
18           SESSMENT TOOLS PERMITTED.—In carrying out this  
19           subsection, the Attorney General may use existing  
20           risk and needs assessment tools, as appropriate, for  
21           the assessment tools required under paragraph (2).

22           “(4) VALIDATION.—In carrying out this sub-  
23           section, the Attorney General shall statistically vali-  
24           date the risk and needs assessment tools on the Fed-  
25           eral prison population, or ensure that the tools have

1       been so validated. To the extent such validation can-  
2       not be completed with the time period specified in  
3       subsection (a), the Attorney General shall ensure  
4       that such validation is completed as soon as is prac-  
5       ticable.

6               “(5) RELATIONSHIP WITH EXISTING CLASSI-  
7       FICATION SYSTEMS.—The Bureau of Prisons may  
8       incorporate its existing Inmate Classification System  
9       into the Assessment System if the Assessment Sys-  
10      tem assesses the risk level and criminogenic needs of  
11      each prisoner and determines the appropriate secu-  
12      rity level institution for each prisoner. Before the de-  
13      velopment of the Assessment System, the Bureau of  
14      Prisons may use the existing Inmate Classification  
15      System, or a pre-existing risk and needs assessment  
16      tool that can be used to classify prisoners consistent  
17      with subsection (a)(1), or can be reasonably adapted  
18      for such purpose, for purposes of this section, sec-  
19      tion 3621(h), and section 3624(c).

20              “(c) RISK ASSESSMENT.—

21               “(1) INITIAL ASSESSMENTS.—Not later than 30  
22      months after the date on which the Attorney Gen-  
23      eral develops the Assessment System, the Bureau of  
24      Prisons shall determine the risk level of each pris-  
25      oner using the Assessment System.

1           “(2) REASSESSMENTS AND UPDATES.—The Bu-  
2       reau of Prisons shall update the assessment of each  
3       prisoner required under paragraph (1)—

4           “(A) not less frequently than once each  
5       year for any prisoner whose anticipated release  
6       date is within 3 years;

7           “(B) not less frequently than once every 2  
8       years for any prisoner whose anticipated release  
9       date is within 10 years; and

10          “(C) not less frequently than once every 3  
11       years for any other prisoner.

12          “(d) ASSIGNMENT OF RECIDIVISM REDUCTION PRO-  
13       GRAMS OR PRODUCTIVE ACTIVITIES.—The Assessment  
14       System shall provide guidance on the kind and amount  
15       of recidivism reduction programming or productive activi-  
16       ties appropriate for each prisoner.

17          “(e) BUREAU OF PRISONS TRAINING.—The Attorney  
18       General shall develop training protocols and programs for  
19       Bureau of Prisons officials and employees responsible for  
20       administering the Assessment System. Such training pro-  
21       tocols shall include a requirement that personnel of the  
22       Bureau of Prisons demonstrate competence in using the  
23       methodology and procedure developed under this section  
24       on a regular basis.

1       “(f) QUALITY ASSURANCE.—In order to ensure that  
2 the Bureau of Prisons is using the Assessment System in  
3 an appropriate and consistent manner, the Attorney Gen-  
4 eral shall monitor and assess the use of the Assessment  
5 System and shall conduct periodic audits of the use of the  
6 Assessment System at facilities of the Bureau of Prisons.

7       “(g) DETERMINATIONS AND CLASSIFICATIONS  
8 UNREVIEWABLE.—Subject to any constitutional limita-  
9 tions, there shall be no right of review, right of appeal,  
10 cognizable property interest, or cause of action, either ad-  
11 ministrative or judicial, arising from any determination or  
12 classification made by any Federal agency or employee  
13 while implementing or administering the Assessment Sys-  
14 tem, or any rules or regulations promulgated under this  
15 section.

16       “(h) DEFINITIONS.—In this section:

17               “(1) DYNAMIC RISK FACTOR.—The term ‘dy-  
18 namic risk factor’ means a characteristic or at-  
19 tribute that has been shown to be relevant to assess-  
20 ing risk of recidivism and that can be modified  
21 based on a prisoner’s actions, behaviors, or atti-  
22 tudes, including through completion of appropriate  
23 programming or other means, in a prison setting.

24               “(2) RECIDIVISM RISK.—The term ‘recidivism  
25 risk’ means the likelihood that a prisoner will com-

1 mit additional crimes for which the prisoner could be  
 2 prosecuted in a Federal, State, or local court in the  
 3 United States.

4 “(3) RECIDIVISM REDUCTION PROGRAM; PRO-  
 5 DUCTIVE ACTIVITY; RECOVERY PROGRAMMING.—The  
 6 terms ‘recidivism reduction program’, ‘productive ac-  
 7 tivity’, and ‘recovery programming’ shall have the  
 8 meaning given such terms in section 3621(h)(8).”.

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

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

13 **SEC. 4. PRERELEASE CUSTODY.**

14 (a) IN GENERAL.—Section 3624(c) of title 18,  
 15 United States Code, is amended—

16 (1) in paragraph (1), by striking the period at  
 17 the end of the second sentence and inserting “or  
 18 home confinement, subject to the limitation that no  
 19 prisoner may serve more than 10 percent of the pris-  
 20 oner’s imposed sentence in home confinement pursu-  
 21 ant to this paragraph.”;

22 (2) by striking paragraphs (2) and (3) and in-  
 23 serting the following:

24 “(2) CREDIT FOR RECIDIVISM REDUCTION.—In  
 25 addition to any time spent in prerelease custody pur-

1 suant to paragraph (1), a prisoner shall spend an  
2 additional portion of the final months of the pris-  
3 oner's sentence, equivalent to the amount of time  
4 credit the prisoner has earned pursuant to section  
5 3621(h)(6)(A), in prerelease custody, if—

6 “(A) the prisoner's most recent risk and  
7 needs assessment, conducted within 1 year of  
8 the date on which the prisoner would first be el-  
9 igible for transfer to prerelease custody pursu-  
10 ant to paragraph (1) and this paragraph, re-  
11 flects that the prisoner is classified as low or  
12 moderate risk; and

13 “(B) for a prisoner classified as moderate  
14 risk, the prisoner's most recent risk and needs  
15 assessment reflects that the prisoner's risk of  
16 recidivism has declined during the period of the  
17 prisoner's incarceration.

18 “(3) TYPES OF PRERELEASE CUSTODY.—A  
19 prisoner eligible to serve a portion of the prisoner's  
20 sentence in prerelease custody pursuant to para-  
21 graph (2) may serve such portion in a residential re-  
22 entry center, on home confinement, or, subject to  
23 paragraph (5), on community supervision.”;

24 (3) by redesignating paragraphs (4) through  
25 (6) as paragraphs (9) through (11), respectively;

1 (4) by inserting the following after paragraph  
2 (3):

3 “(4) HOME CONFINEMENT.—

4 “(A) IN GENERAL.—Upon placement in  
5 home confinement pursuant to paragraph (2), a  
6 prisoner shall—

7 “(i) be subject to 24-hour electronic  
8 monitoring that enables the prompt identi-  
9 fication of any violation of clause (ii);

10 “(ii) remain in the prisoner’s resi-  
11 dence, with the exception of the following  
12 activities, subject to approval by the Direc-  
13 tor of the Bureau of Prisons—

14 “(I) participation in a job or job-  
15 seeking activities;

16 “(II) participation in recidivism  
17 reduction programming or productive  
18 activities assigned by the Post-Sen-  
19 tencing Risk and Needs Assessment  
20 System, or similar activities approved  
21 in advance by the Director of the Bu-  
22 reau of Prisons;

23 “(III) participation in community  
24 service;



1                   “(IV) crime victim restoration ac-  
2                   tivities;

3                   “(V) medical treatment; or

4                   “(VI) religious activities; and

5                   “(iii) comply with such other condi-  
6                   tions as the Director of the Bureau of  
7                   Prisons deems appropriate.

8                   “(B) ALTERNATIVE MEANS OF MONI-  
9                   TORING.—If compliance with subparagraph  
10                  (A)(i) is infeasible due to technical limitations  
11                  or religious considerations, the Director of the  
12                  Bureau of Prisons may employ alternative  
13                  means of monitoring that are determined to be  
14                  as effective or more effective than electronic  
15                  monitoring.

16                  “(C) MODIFICATIONS.—The Director of  
17                  the Bureau of Prisons may modify the condi-  
18                  tions of the prisoner’s home confinement for  
19                  compelling reasons, if the prisoner’s record  
20                  demonstrates exemplary compliance with such  
21                  conditions.

22                  “(5) COMMUNITY SUPERVISION.—

23                  “(A) TIME CREDIT LESS THAN 36  
24                  MONTHS.—Any prisoner described in subpara-  
25                  graph (D) who has earned time credit of less

1 than 36 months pursuant to section  
2 3621(h)(6)(A) shall be eligible to serve no more  
3 than one-half of the amount of such credit on  
4 community supervision, if the prisoner satisfies  
5 the conditions set forth in subparagraph (C).

6 “(B) TIME CREDIT OF 36 MONTHS OR  
7 MORE.—Any prisoner described in subpara-  
8 graph (D) who has earned time credit of 36  
9 months or more pursuant to section  
10 3621(h)(6)(A) shall be eligible to serve the  
11 amount of such credit exceeding 18 months on  
12 community supervision, if the prisoner satisfies  
13 the conditions set forth in subparagraph (C).

14 “(C) CONDITIONS OF COMMUNITY SUPER-  
15 VISION.—A prisoner placed on community su-  
16 pervision shall be subject to such conditions as  
17 the Director of the Bureau of Prisons deems  
18 appropriate. A prisoner on community super-  
19 vision may remain on community supervision  
20 until the conclusion of the prisoner’s sentence  
21 of incarceration if the prisoner—

22 “(i) complies with all conditions of  
23 prerelease custody;

24 “(ii) remains current on any financial  
25 obligations imposed as part of the pris-

1           oner’s sentence, including payments of  
2           court-ordered restitution arising from the  
3           offense of conviction; and

4           “(iii) refrains from committing any  
5           State, local, or Federal offense.

6           “(D) COVERED PRISONERS.—A prisoner  
7           described in this subparagraph is a prisoner  
8           who—

9           “(i) is classified as low risk by the  
10          Post-Sentencing Risk and Needs Assess-  
11          ment System in the assessment conducted  
12          for purposes of paragraph (2); or

13          “(ii) is subsequently classified as low  
14          risk by the Post-Sentencing Risk and  
15          Needs Assessment System.

16          “(6) VIOLATIONS.—If a prisoner violates a con-  
17          dition of the prisoner’s prerelease custody, the Di-  
18          rector of the Bureau of Prisons may revoke the pris-  
19          oner’s prerelease custody and require the prisoner to  
20          serve the remainder of the prisoner’s term of incar-  
21          ceration, or any portion thereof, in prison, or impose  
22          additional conditions on the prisoner’s prerelease  
23          custody as the Director of the Bureau of Prisons  
24          deems appropriate. If the violation is non-technical

1 in nature, the Director of the Bureau of Prisons  
2 shall revoke the prisoner's prerelease custody.

3 “(7) CREDIT FOR PRERELEASE CUSTODY.—  
4 Upon completion of a prisoner's sentence, any term  
5 of supervised release imposed on the prisoner shall  
6 be reduced by the amount of time the prisoner  
7 served in prerelease custody pursuant to paragraph  
8 (2).

9 “(8) AGREEMENTS WITH UNITED STATES PRO-  
10 BATION AND PRETRIAL SERVICES.—The Director of  
11 the Bureau of Prisons shall, to the greatest extent  
12 practicable, enter into agreements with the United  
13 States Probation and Pretrial Services to supervise  
14 prisoners placed in home confinement or community  
15 supervision under this subsection. Such agreements  
16 shall authorize United States Probation and Pretrial  
17 Services to exercise the authority granted to the Di-  
18 rector of the Bureau of Prisons pursuant to para-  
19 graphs (4), (5), and (12). Such agreements shall  
20 take into account the resource requirements of  
21 United States Probation and Pretrial Services as a  
22 result of the transfer of Bureau of Prisons inmates  
23 to prerelease custody and shall provide for the trans-  
24 fer of monetary sums necessary to comply with such  
25 requirements. United States Probation and Pretrial

1 Services shall, to the greatest extent practicable,  
2 offer assistance to any prisoner not under its super-  
3 vision during prerelease custody under this sub-  
4 section.”; and

5 (5) by inserting at the end the following:

6 “(12) DETERMINATION OF APPROPRIATE CON-  
7 DITIONS FOR PRERELEASE CUSTODY.—In deter-  
8 mining appropriate conditions for prerelease custody  
9 pursuant to this subsection, and in accordance with  
10 paragraph (5), the Director of the Bureau of Pris-  
11 ons shall, to the extent practicable, subject prisoners  
12 who demonstrate continued compliance with the re-  
13 quirements of such prerelease custody to increas-  
14 ingly less restrictive conditions, so as to most effec-  
15 tively prepare such prisoners for reentry. No pris-  
16 oner shall be transferred to community supervision  
17 unless the length of the prisoner’s eligibility for com-  
18 munity supervision pursuant to paragraph (5) is  
19 equivalent to or greater than the length of the pris-  
20 oner’s remaining period of prerelease custody.

21 “(13) ALIENS SUBJECT TO DEPORTATION.—If  
22 the prisoner is an alien whose deportation was or-  
23 dered as a condition of supervised release or who is  
24 subject to a detainer filed by Immigration and Cus-  
25 toms Enforcement for the purposes of determining

1 the alien’s deportability, the Director of the Bureau  
2 of Prisons shall, upon the prisoner’s transfer to  
3 prerelease custody pursuant to paragraphs (1) and  
4 (2), deliver the prisoner to United States Immigra-  
5 tion and Customs Enforcement for the purpose of  
6 conducting proceedings relating to the alien’s depor-  
7 tation.

8 “(14) NOTICE OF TRANSFER TO PRERELEASE  
9 CUSTODY.—

10 “(A) IN GENERAL.—The Director of the  
11 Bureau of Prisons may not transfer a prisoner  
12 to prerelease custody pursuant to paragraph (2)  
13 if the prisoner has been sentenced to a term of  
14 incarceration of more than 3 years, unless the  
15 Director of the Bureau of Prisons provides  
16 prior notice to the United States Attorney’s Of-  
17 fice for the district in which the prisoner was  
18 sentenced.

19 “(B) TIME REQUIREMENT.—The notice re-  
20 quired under subparagraph (A) shall be pro-  
21 vided not later than 6 months before the date  
22 on which the prisoner is to be transferred.

23 “(C) CONTENTS OF NOTICE.—The notice  
24 required under subparagraph (A) shall include  
25 the following information:

1           “(i) The amount of credit earned pur-  
2           suant to paragraph (2).

3           “(ii) The anticipated date of the pris-  
4           oner’s transfer.

5           “(iii) The nature of the prisoner’s  
6           planned prerelease custody.

7           “(iv) The prisoner’s behavioral record.

8           “(v) The most recent risk assessment  
9           of the prisoner.

10          “(D) HEARING.—

11           “(i) IN GENERAL.—On motion of the  
12           Government, the court may conduct a  
13           hearing on the prisoner’s transfer to  
14           prerelease custody.

15           “(ii) PRISONER’S PRESENCE.—The  
16           prisoner shall have the right to be present  
17           at a hearing described in clause (i), which  
18           right the prisoner may waive.

19           “(iii) MOTION.—A motion filed by the  
20           Government seeking a hearing—

21           “(I) shall set forth the basis for  
22           the Government’s request that the  
23           prisoner’s transfer be denied or modi-  
24           fied pursuant to subparagraph (E);  
25           and

1                   “(II) shall not require the Court  
2                   to conduct a hearing described in  
3                   clause (i).

4                   “(E) DETERMINATION OF THE COURT.—  
5                   The court may deny the transfer of the prisoner  
6                   to prerelease custody or modify the terms of  
7                   such transfer, if, after conducting a hearing  
8                   pursuant to subparagraph (D), the court finds  
9                   in writing, by a preponderance of the evidence,  
10                  that the transfer of the prisoner is inconsistent  
11                  with the factors specified in paragraphs (2),  
12                  (6), and (7) of section 3553(a).”.

13                  (b) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect 1 year after the date of enact-  
15 ment of this Act.

16 **SEC. 5. REPORTS.**

17                  (a) ANNUAL REPORTS.—

18                   (1) REPORTS.—Not later than 1 year after the  
19 date of enactment of this Act, and every year there-  
20 after, the Attorney General, in coordination with the  
21 Comptroller General of the United States, shall sub-  
22 mit to the appropriate committees of Congress a re-  
23 port that contains the following:

24                   (A) A summary of the activities and ac-  
25                   complishments of the Attorney General in car-



1           rying out this Act and the amendments made  
2           by this Act.

3           (B) An assessment of the status and use  
4           of the Post-Sentencing Risk and Needs Assess-  
5           ment System by the Bureau of Prisons, includ-  
6           ing the number of prisoners classified at each  
7           risk level under the Post-Sentencing Risk and  
8           Needs Assessment System at each facility of  
9           the Bureau of Prisons.

10          (C) A summary and assessment of the  
11          types and effectiveness of the recidivism reduc-  
12          tion programs and productive activities in facili-  
13          ties operated by the Bureau of Prisons, includ-  
14          ing—

15               (i) evidence about which programs  
16               and activities have been shown to reduce  
17               recidivism;

18               (ii) the capacity of each program and  
19               activity at each facility, including the num-  
20               ber of prisoners along with the risk level of  
21               each prisoner enrolled in each program and  
22               activity; and

23               (iii) identification of any problems or  
24               shortages in capacity of such programs

1           and activities, and how these should be  
2           remedied.

3           (D) An assessment of budgetary savings  
4           resulting from this Act and the amendments  
5           made by this Act, to include—

6                   (i) a summary of the amount of sav-  
7                   ings resulting from the transfer of pris-  
8                   oners into prerelease custody under this  
9                   Act and the amendments made by this Act,  
10                  including savings resulting from the avoid-  
11                  ance or deferral of future construction, ac-  
12                  quisition, or operations costs;

13                   (ii) a summary of the amount of sav-  
14                   ings resulting from any decrease in recidi-  
15                   vism that may be attributed to the imple-  
16                   mentation of the Post-Sentencing Risk and  
17                   Needs Assessment System or the increase  
18                   in recidivism reduction programs and pro-  
19                   ductive activities required by this Act and  
20                   the amendments made by this Act; and

21                   (iii) a strategy to reinvest such sav-  
22                   ings into other Federal, State, and local  
23                   law enforcement activities and expansions  
24                   of recidivism reduction programs and pro-  
25                   ductive activities in the Bureau of Prisons.

1           (2) REINVESTMENT OF SAVINGS TO FUND PUB-  
2           LIC SAFETY PROGRAMMING.—

3           (A) IN GENERAL.—Beginning in the first  
4           fiscal year after the first report is submitted  
5           under paragraph (1), and every fiscal year  
6           thereafter, the Attorney General shall—

7                   (i) determine the covered amount for  
8                   the previous fiscal year in accordance with  
9                   subparagraph (B); and

10                   (ii) use an amount of funds appro-  
11                   priated to the Department of Justice that  
12                   is not less than 90 percent of the covered  
13                   amount for the purposes described in sub-  
14                   paragraph (C).

15           (B) COVERED AMOUNT.—For purposes of  
16           this paragraph, the term “covered amount”  
17           means, using the most recent report submitted  
18           under paragraph (1), the amount equal to the  
19           sum of the amount described in paragraph  
20           (1)(D)(i) for the fiscal year and the amount de-  
21           scribed in paragraph (1)(D)(ii) for the fiscal  
22           year.

23           (C) USE OF FUNDS.—The funds described  
24           in subparagraph (A)(ii) shall be used, con-  
25           sistent with paragraph (1)(D)(iii), to—

1 (i) ensure that, not later than 6 years  
2 after the date of enactment of this Act, re-  
3 cidivism reduction programs or productive  
4 activities are available to all eligible pris-  
5 oners;

6 (ii) ensure compliance with the re-  
7 source needs of United States Probation  
8 and Pretrial Services resulting from an  
9 agreement under section 3624(c)(8) of title  
10 18, United States Code, as added by this  
11 Act; and

12 (iii) supplement funding for programs  
13 that increase public safety by providing re-  
14 sources to State and local law enforcement  
15 officials.

16 (b) PRISON WORK PROGRAMS REPORT.—Not later  
17 than 180 days after the date of enactment of this Act,  
18 the Attorney General shall submit to the appropriate com-  
19 mittees of Congress a report on the status of prison work  
20 programs at facilities operated by the Bureau of Prisons,  
21 including—

22 (1) a strategy to expand the availability of such  
23 programs without reducing job opportunities for  
24 workers in the United States who are not in the cus-  
25 tody of the Bureau of Prisons;

1           (2) an assessment of the feasibility of expand-  
2           ing such programs, consistent with the strategy re-  
3           quired under paragraph (1), so that, not later than  
4           5 years after the date of enactment of this Act, not  
5           less than 75 percent of eligible low-risk offenders  
6           have the opportunity to participate in a prison work  
7           program for not less than 20 hours per week; and

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

11          (c) REPORTING ON RECIDIVISM RATES.—

12           (1) IN GENERAL.—Beginning 1 year after the  
13           date of enactment of this Act, and every year there-  
14           after, the Attorney General, in consultation with the  
15           Administrative Office of the United States Courts,  
16           shall report to the appropriate committees of Con-  
17           gress on rates of recidivism among individuals who  
18           have been released from Federal prison and who are  
19           under judicial supervision.

20           (2) CONTENTS.—The report required under  
21           paragraph (1) shall contain information on rates of  
22           recidivism among former Federal prisoners, includ-  
23           ing information on rates of recidivism among former  
24           Federal prisoners based on the following criteria:

25           (A) Primary offense charged.

1           (B) Length of sentence imposed and  
2 served.

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

5           (D) Recidivism reduction programming  
6 that the prisoner successfully completed, if any.

7           (E) The prisoner's assessed risk of recidi-  
8 vism.

9           (3) ASSISTANCE.—The Administrative Office of  
10 the United States Courts shall provide to the Attor-  
11 ney General any information in its possession that is  
12 necessary for the completion of the report required  
13 under paragraph (1).

14          (d) REPORTING ON EXCLUDED PRISONERS.—Not  
15 later than 8 years after the date of enactment of this Act,  
16 the Attorney General shall submit to the appropriate com-  
17 mittees of Congress a report on the effectiveness of recidi-  
18 vism reduction programs and productive activities offered  
19 to prisoners described in section 3621(h)(6)(A)(iii) of title  
20 18, United States Code, as added by this Act, as well as  
21 those ineligible for credit toward prerelease custody under  
22 section 3624(c)(2) of title 18, United States Code, as  
23 added by this Act, which shall review the effectiveness of  
24 different categories of incentives in reducing recidivism.

1 (e) DEFINITION.—The term “appropriate committees  
2 of Congress” means—

3 (1) the Committee on the Judiciary and the  
4 Subcommittee on Commerce, Justice, Science, and  
5 Related Agencies of the Committee on Appropria-  
6 tions of the Senate; and

7 (2) the Committee on the Judiciary and the  
8 Subcommittee on Commerce, Justice, Science, and  
9 Related Agencies of the Committee on Appropria-  
10 tions of the House of Representatives.

11 **SEC. 6. PROMOTING SUCCESSFUL REENTRY.**

12 (a) FEDERAL PRISONER REENTRY INITIATIVE.—  
13 Section 231(g) of the Second Chance Act of 2007 (42  
14 U.S.C. 17541(g)) is amended—

15 (1) in paragraph (3), by striking “and shall be  
16 carried out during fiscal years 2009 and 2010”; and

17 (2) in paragraph (5)(A)—

18 (A) in clause (i), by striking “65 years”  
19 and inserting “60 years”; and

20 (B) in clause (ii)—

21 (i) by striking “the greater of 10  
22 years or”; and

23 (ii) by striking “75 percent” and in-  
24 serting “ $\frac{2}{3}$ ”.

1 (b) FEDERAL REENTRY DEMONSTRATION  
2 PROJECTS.—

3 (1) EVALUATION OF EXISTING BEST PRACTICES  
4 FOR REENTRY.—Not later than 2 years after the  
5 date of enactment of this Act, the Attorney General,  
6 in consultation with the Administrative Office of the  
7 United States Courts, shall—

8 (A) evaluate best practices used for the re-  
9 entry into society of individuals released from  
10 the custody of the Bureau of Prisons, includ-  
11 ing—

12 (i) conducting examinations of reentry  
13 practices in State and local justice sys-  
14 tems; and

15 (ii) consulting with Federal, State,  
16 and local prosecutors, Federal, State, and  
17 local public defenders, nonprofit organiza-  
18 tions that provide reentry services, and  
19 criminal justice experts; and

20 (B) submit to the Committee on the Judi-  
21 ciary of the Senate and the Committee on the  
22 Judiciary of the House of Representatives a re-  
23 port that details the evaluation conducted under  
24 subparagraph (A).



1           (2) CREATION OF REENTRY DEMONSTRATION  
2 PROJECTS.—Not later than 3 years after the date of  
3 enactment of this Act, the Attorney General, in con-  
4 sultation with the Administrative Office of the  
5 United States Courts, shall, subject to the avail-  
6 ability of appropriations, select an appropriate num-  
7 ber of Federal judicial districts to conduct Federal  
8 reentry demonstration projects using the best prac-  
9 tices identified in the evaluation conducted under  
10 paragraph (1). The Attorney General shall deter-  
11 mine the appropriate number of Federal judicial dis-  
12 tricts to conduct demonstration projects under this  
13 paragraph.

14           (3) PROJECT DESIGN.—For each Federal judi-  
15 cial district selected under paragraph (2), the United  
16 States Attorney, in consultation with the Chief  
17 Judge, Chief Federal Defender, the Chief Probation  
18 Officer, the Bureau of Justice Assistance, the Na-  
19 tional Institute of Justice, and criminal justice ex-  
20 perts shall design a Federal reentry demonstration  
21 project for the Federal judicial district in accordance  
22 with paragraph (4).

23           (4) PROJECT ELEMENTS.—A project designed  
24 under paragraph (3) shall coordinate efforts by Fed-  
25 eral agencies to assist participating prisoners in pre-

1       paring for and adjusting to reentry into the commu-  
2       nity and may include, as appropriate—

3               (A) the use of community correctional fa-  
4               cilities and home confinement, as determined to  
5               be appropriate by the Bureau of Prisons;

6               (B) a reentry review team for each pris-  
7               oner to develop a reentry plan specific to the  
8               needs of the prisoner, and to meet with the  
9               prisoner following transfer to monitor the re-  
10              entry plan;

11              (C) steps to assist the prisoner in obtain-  
12              ing health care, housing, and employment, be-  
13              fore the prisoner's release from a community  
14              correctional facility or home confinement;

15              (D) regular drug testing for participants  
16              with a history of substance abuse;

17              (E) substance abuse treatment, which may  
18              include addiction treatment medication, if ap-  
19              propriate, medical treatment, including mental  
20              health treatment, occupational, vocational and  
21              educational training, life skills instruction, re-  
22              covery support, conflict resolution training, and  
23              other programming to promote effective re-  
24              integration into the community;

1 (F) the participation of volunteers to serve  
2 as advisors and mentors to prisoners being re-  
3 leased into the community;

4 (G) steps to ensure that the prisoner  
5 makes satisfactory progress toward satisfying  
6 any obligations to victims of the prisoner's of-  
7 fense, including any obligation to pay restitu-  
8 tion; and

9 (H) the appointment of a reentry coordi-  
10 nator in the United States Attorney's Office.

11 (5) REVIEW OF PROJECT OUTCOMES.—Not  
12 later than 5 years after the date of enactment of  
13 this Act, the Administrative Office of the United  
14 States Courts, in consultation with the Attorney  
15 General, shall—

16 (A) evaluate the results from each Federal  
17 judicial district selected under paragraph (2),  
18 including the extent to which participating pris-  
19 oners released from the custody of the Bureau  
20 of Prisons were successfully reintegrated into  
21 their communities, including whether the par-  
22 ticipating prisoners maintained employment,  
23 and refrained from committing further offenses;  
24 and

1 (B) submit to the Committee on the Judi-  
2 ciary of the Senate and the Committee on the  
3 Judiciary of the House of Representatives a re-  
4 port that contains—

5 (i) the evaluation of the best practices  
6 identified in the report required under  
7 paragraph (1); and

8 (ii) the results of the demonstration  
9 projects required under paragraph (2).

10 (c) STUDY ON THE IMPACT OF REENTRY ON CER-  
11 TAIN COMMUNITIES.—

12 (1) IN GENERAL.—Not later than 2 years after  
13 the date of enactment of this Act, the Attorney Gen-  
14 eral, in consultation with the Administrative Office  
15 of the United States Courts, shall submit to the  
16 Committee on the Judiciary of the Senate and the  
17 Committee on the Judiciary of the House of Rep-  
18 resentatives a report on the impact of reentry of  
19 prisoners on communities in which a dispropor-  
20 tionate number of individuals reside upon release  
21 from incarceration.

22 (2) CONTENTS.—The report required under  
23 paragraph (1) shall analyze the impact of reentry of  
24 individuals released from both State and Federal

1       correctional systems as well as State and Federal ju-  
2       venile justice systems, and shall include—

3               (A) an assessment of the reentry burdens  
4       borne by local communities;

5               (B) a review of the resources available in  
6       such communities to support successful reentry,  
7       including resources provided by State, local,  
8       and Federal governments, the extent to which  
9       those resources are used effectively; and

10              (C) recommendations to strengthen the re-  
11       sources in such communities available to sup-  
12       port successful reentry and to lessen the burden  
13       placed on such communities by the need to sup-  
14       port reentry.

15       (d) FACILITATING REENTRY ASSISTANCE TO VET-  
16       ERANS.—

17              (1) IN GENERAL.—Not later than 2 months  
18       after the date of the commencement of a prisoner's  
19       sentence pursuant to section 3585(a) of title 18,  
20       United States Code, the Director of the Bureau of  
21       Prisons shall notify the Secretary of Veterans Af-  
22       fairs if the prisoner's presentence report, prepared  
23       pursuant to section 3552 of title 18, United States  
24       Code, indicates that the prisoner has previously

1 served in the Armed Forces of the United States or  
2 if the prisoner has so notified the Bureau of Prisons.

3 (2) POST-COMMENCEMENT NOTICE.—If the  
4 prisoner informs the Bureau of Prisons of the pris-  
5 oner's prior service in the Armed Forces of the  
6 United States after the commencement of the pris-  
7 oner's sentence, the Director of the Bureau of Pris-  
8 ons shall notify the Secretary of Veterans Affairs  
9 not later than 2 months after the date on which the  
10 prisoner provides such notice.

11 (3) CONTENTS OF NOTICE.—The notice pro-  
12 vided by the Director of the Bureau of Prisons to  
13 the Secretary of Veterans Affairs under this sub-  
14 section shall include the identity of the prisoner, the  
15 facility in which the prisoner is located, the pris-  
16 oner's offense of conviction, and the length of the  
17 prisoner's sentence.

18 (4) ACCESS TO VA.—The Bureau of Prisons  
19 shall provide the Department of Veterans Affairs  
20 with reasonable access to any prisoner who has pre-  
21 viously served in the Armed Forces of the United  
22 States for purposes of facilitating that prisoner's re-  
23 entry.

1 **SEC. 7. ADDITIONAL TOOLS TO PROMOTE RECOVERY AND**  
2 **PREVENT DRUG AND ALCOHOL ABUSE AND**  
3 **DEPENDENCE.**

4 (a) REENTRY AND RECOVERY PLANNING.—

5 (1) PRESENTENCE REPORTS.—Section 3552 of  
6 title 18, United States Code, is amended—

7 (A) by redesignating subsections (b), (c),  
8 and (d) as subsections (c), (d), and (e), respec-  
9 tively;

10 (B) by inserting after subsection (a) the  
11 following:

12 “(b) REENTRY AND RECOVERY PLANNING.—

13 “(1) IN GENERAL.—In addition to the informa-  
14 tion required by rule 32(d) of the Federal Rules of  
15 Criminal Procedure, the report submitted pursuant  
16 to subsection (a) shall contain the following informa-  
17 tion, unless such information is required to be ex-  
18 cluded pursuant to rule 32(d)(3) of the Federal  
19 Rules of Criminal Procedure or except as provided  
20 in paragraph (2):

21 “(A) Information about the defendant’s  
22 history of substance abuse and addiction, if ap-  
23 plicable.

24 “(B) Information about the defendant’s  
25 service in the Armed Forces of the United  
26 States and veteran status, if applicable.

1           “(C) A detailed plan, which shall include  
2           the identification of programming provided by  
3           the Bureau of Prisons that is appropriate for  
4           the defendant’s needs, that the probation officer  
5           determines will—

6                   “(i) reduce the likelihood the defend-  
7                   ant will abuse drugs or alcohol if the de-  
8                   fendant has a history of substance abuse;

9                   “(ii) reduce the defendant’s likelihood  
10                  of recidivism by addressing the defendant’s  
11                  specific recidivism risk factors; and

12                  “(iii) assist the defendant preparing  
13                  for reentry into the community.

14           “(2) EXCEPTIONS.—The information described  
15           in paragraph (1)(C)(iii) shall not be required to be  
16           included under paragraph (1), in the discretion of  
17           the Probation Officer, if the applicable sentencing  
18           range under the sentencing guidelines, as deter-  
19           mined by the probation officer, includes a sentence  
20           of life imprisonment or a sentence of probation.”;

21           (C) in subsection (c), as redesignated, in  
22           the first sentence, by striking “subsection (a) or  
23           (c)” and inserting “subsection (a) or (d)”;



1 (D) in subsection (d), as redesignated, by  
2 striking “subsection (a) or (b)” and inserting  
3 “subsection (a) or (c)”.

4 (2) TECHNICAL AND CONFORMING AMEND-  
5 MENT.—Section 3672 of title 18, United States  
6 Code, is amended in the eighth undesignated para-  
7 graph by striking “subsection (b) or (c)” and insert-  
8 ing “subsection (c) or (d)”.

9 (b) PROMOTING FULL UTILIZATION OF RESIDEN-  
10 TIAL DRUG TREATMENT.—Section 3621(e)(2) of title 18,  
11 United States Code, is amended by adding at the end the  
12 following:

13 “(C) COMMENCEMENT OF TREATMENT.—  
14 Not later than 3 years after the date of enact-  
15 ment of this subparagraph, the Director of the  
16 Bureau of Prisons shall ensure that each eligi-  
17 ble prisoner has an opportunity to commence  
18 participation in treatment under this subsection  
19 by such date as is necessary to ensure that the  
20 prisoner completes such treatment not later  
21 than 1 year before the date on which the pris-  
22 oner would otherwise be released from custody  
23 prior to the application of any reduction in sen-  
24 tence pursuant to this paragraph.

1           “(D) OTHER CREDITS.—The Director of  
2           the Bureau of Prisons may, in the Director’s  
3           discretion, reduce the credit awarded under  
4           subsection (h)(6)(A) to a prisoner who receives  
5           a reduction under subparagraph (B), but such  
6           reduction may not exceed one-half the amount  
7           of the reduction awarded to the prisoner under  
8           subparagraph (B).”.

9           (c) SUPERVISED RELEASE PILOT PROGRAM TO RE-  
10          DUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCO-  
11          HOL AND DRUG ABUSE.—

12           (1) IN GENERAL.—Not later than 2 years after  
13          the date of enactment of this Act, the Administrative  
14          Office of the United States Courts shall establish a  
15          recidivism reduction and recovery enhancement pilot  
16          program, premised on high-intensity supervision and  
17          the use of swift, predictable, and graduated sanc-  
18          tions for noncompliance with program rules, in Fed-  
19          eral judicial districts selected by the Administrative  
20          Office of the United States Courts in consultation  
21          with the Attorney General.

22           (2) REQUIREMENTS OF PROGRAM.—Participa-  
23          tion in the pilot program required under paragraph  
24          (1) shall be subject to the following requirements:

1 (A) Upon entry into the pilot program, the  
2 court shall notify program participants of the  
3 rules of the program and consequences for vio-  
4 lating such rules, including the penalties to be  
5 imposed as a result of such violations pursuant  
6 to subparagraph (E).

7 (B) Probation officers shall conduct reg-  
8 ular drug testing of all pilot program partici-  
9 pants with a history of substance abuse.

10 (C) In the event that a probation officer  
11 determines that a participant has violated a  
12 term of supervised release, the officer shall no-  
13 tify the court within 24 hours of such deter-  
14 mination, absent good cause.

15 (D) As soon as is practicable, and in no  
16 case more than 1 week after the violation was  
17 reported by the probation officer, absent good  
18 cause, the court shall conduct a hearing on the  
19 alleged violation.

20 (E) If the court determines that a program  
21 participant has violated a term of supervised re-  
22 lease, it shall impose an appropriate sanction,  
23 which may include the following, if appropriate:

24 (i) Modification of the terms of such  
25 participant's supervised release, which may

1 include imposition of a period of home con-  
2 finement.

3 (ii) Referral to appropriate substance  
4 abuse treatment.

5 (iii) Revocation of the defendant's su-  
6 pervised release and the imposition of a  
7 sentence of incarceration that is no longer  
8 than necessary to punish the participant  
9 for such violation and deter the participant  
10 from committing future violations.

11 (iv) For participants who habitually  
12 fail to abide by program rules or pose a  
13 threat to public safety, termination from  
14 the program.

15 (3) STATUS OF PARTICIPANT IF INCARCER-  
16 ATED.—

17 (A) IN GENERAL.—In the event that a pro-  
18 gram participant is sentenced to incarceration  
19 as described in paragraph (2)(E)(iii), the par-  
20 ticipant shall remain in the program upon re-  
21 lease from incarceration unless terminated from  
22 the program in accordance with paragraph  
23 (2)(E)(iv).

24 (B) POLICIES FOR MAINTAINING EMPLOY-  
25 MENT.—The Bureau of Prisons, in consultation

1 with the Chief Probation Officers of the Federal  
2 judicial districts selected for participation in the  
3 pilot program required under paragraph (1),  
4 shall develop policies to enable program partici-  
5 pants sentenced to terms of incarceration as de-  
6 scribed in paragraph (2)(E) to, where prac-  
7 ticable, serve the terms of incarceration while  
8 maintaining employment, including allowing the  
9 terms of incarceration to be served on week-  
10 ends.

11 (4) ADVISORY SENTENCING POLICIES.—

12 (A) IN GENERAL.—The United States Sen-  
13 tencing Commission, in consultation with the  
14 Chief Probation Officers, the United States At-  
15 torneys, Federal Defenders, and Chief Judges  
16 of the districts selected for participation in the  
17 pilot program required under paragraph (1),  
18 shall establish advisory sentencing policies to be  
19 used by the district courts in imposing sen-  
20 tences of incarceration in accordance with para-  
21 graph (2)(E).

22 (B) REQUIREMENT.—The advisory sen-  
23 tencing policies established under subparagraph  
24 (A) shall be consistent with the stated goal of  
25 the pilot program to impose predictable and

1 graduated sentences that are no longer than  
2 necessary for violations of program rules.

3 (5) DURATION OF PROGRAM.—The pilot pro-  
4 gram required under paragraph (1) shall continue  
5 for not less than 5 years and may be extended for  
6 not more than 5 years by the Administrative Office  
7 of the United States Courts.

8 (6) ASSESSMENT OF PROGRAM OUTCOMES AND  
9 REPORT TO CONGRESS.—

10 (A) IN GENERAL.—Not later than 6 years  
11 after the date of enactment of this Act, the Ad-  
12 ministrative Office of the United States Courts  
13 shall conduct an evaluation of the pilot program  
14 and submit to Congress a report on the results  
15 of the evaluation.

16 (B) CONTENTS.—The report required  
17 under subparagraph (A) shall include—

18 (i) the rates of substance abuse  
19 among program participants;

20 (ii) the rates of violations of the terms  
21 of supervised release by program partici-  
22 pants, and sanctions imposed;

23 (iii) information about employment of  
24 program participants;

1 (iv) a comparison of outcomes among  
 2 program participants with outcomes among  
 3 similarly situated individuals under the su-  
 4 pervision of United States Probation and  
 5 Pretrial Services not participating in the  
 6 program; and

7 (v) an assessment of the effectiveness  
 8 of each of the relevant features of the pro-  
 9 gram.

10 **SEC. 8. ERIC WILLIAMS CORRECTIONAL OFFICER PROTEC-**  
 11 **TION ACT.**

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

15 **“§ 4049. Officers and employees of the Bureau of Pris-**  
 16 **ons authorized to carry oleoresin cap-**  
 17 **sicum spray**

18 “(a) IN GENERAL.—The Director of the Bureau of  
 19 Prisons shall issue, on a routine basis, oleoresin capsicum  
 20 spray to—

21 “(1) any officer or employee of the Bureau of  
 22 Prisons who—

23 “(A) is employed in a prison that is not a  
 24 minimum or low security prison; and

1           “(B) may respond to an emergency situa-  
2           tion in such a prison; and

3           “(2) such additional officers and employees of  
4           prisons as the Director determines appropriate, in  
5           accordance with this section.

6           “(b) TRAINING REQUIREMENT.—

7           “(1) IN GENERAL.—In order for an officer or  
8           employee of the Bureau of Prisons, including a cor-  
9           rectional officer, to be eligible to receive and carry  
10          oleoresin capsicum spray pursuant to this section,  
11          the officer or employee shall complete a training  
12          course before being issued such spray, and annually  
13          thereafter, on the use of oleoresin capsicum spray.

14          “(2) TRANSFERABILITY OF TRAINING.—An offi-  
15          cer or employee of the Bureau of Prisons who com-  
16          pletes a training course pursuant to paragraph (1)  
17          and subsequently transfers to employment at a dif-  
18          ferent prison, shall not be required to complete an  
19          additional training course solely due such transfer.

20          “(3) TRAINING CONDUCTED DURING REGULAR  
21          EMPLOYMENT.—An officer or employee of the Bu-  
22          reau of Prisons who completes a training course re-  
23          quired under paragraph (1) shall do so during the  
24          course of that officer or employee’s regular employ-  
25          ment, and shall be compensated at the same rate



1 that the officer or employee would be compensated  
2 for conducting the officer or employee's regular du-  
3 ties.

4 “(c) USE OF OLEORESIN CAPSICUM SPRAY.—Offi-  
5 cers and employees of the Bureau of Prisons issued oleo-  
6 resin capsicum spray pursuant to subsection (a) may use  
7 such spray to reduce acts of violence—

8 “(1) committed by prisoners against themselves,  
9 other prisoners, prison visitors, and officers and em-  
10 ployees of the Bureau of Prisons; and

11 “(2) committed by prison visitors against them-  
12 selves, prisoners, other visitors, and officers and em-  
13 ployees of the Bureau of Prisons.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 for chapter 303 of part III of title 18, United States Code,  
16 is amended by inserting after the item relating to section  
17 4048 the following:

“4049. Officers and employees of the Bureau of Prisons authorized to carry oleo-  
resin capsicum spray.”.

18 (c) GAO REPORT.—Not later than the date that is  
19 3 years after the date on which the Director of the Bureau  
20 of Prisons begins to issue oleoresin capsicum spray to offi-  
21 cers and employees of the Bureau of Prisons pursuant to  
22 section 4049 of title 18, United States Code (as added  
23 by this Act), the Comptroller General of the United States

1 shall submit to Congress a report that includes the fol-  
2 lowing:

3 (1) An evaluation of the effectiveness of issuing  
4 oleoresin capsicum spray to officers and employees  
5 of the Bureau of Prisons in prisons that are not  
6 minimum or low security prisons on—

7 (A) reducing crime in such prisons; and

8 (B) reducing acts of violence committed by  
9 prisoners against themselves, other prisoners,  
10 prison visitors, and officers and employees of  
11 the Bureau of Prisons in such prisons.

12 (2) An evaluation of the advisability of issuing  
13 oleoresin capsicum spray to officers and employees  
14 of the Bureau of Prisons in prisons that are min-  
15 imum or low security prisons, including—

16 (A) the effectiveness that issuing such  
17 spray in such prisons would have on reducing  
18 acts of violence committed by prisoners against  
19 themselves, other prisoners, prison visitors, and  
20 officers and employees of the Bureau of Prisons  
21 in such prisons; and

22 (B) the cost of issuing such spray in such  
23 prisons. Recommendations to improve the safe-

1 ty of officers and employees of the Bureau of  
2 Prisons in prisons.

○