

104TH CONGRESS
2D SESSION

H. R. 3776

To amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 1996

Mr. ENSIGN (for himself, Mr. ENGLISH of Pennsylvania, Mr. PETE GEREN of Texas, Mr. RAMSTAD, Mr. ZIMMER, Mr. JACOBS, Mr. CHRISTENSEN, Mr. LAUGHLIN, Mr. HAYES, Mr. STEARNS, Mr. WICKER, Mr. LIPINSKI, Mr. BARTON of Texas, Mr. BAKER of Louisiana, Mr. BRYANT of Tennessee, and Mr. LARGENT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Prison Work and Vic-
3 tim Restitution Act of 1996”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) work is inherently American and honorable;

7 (2) work is of fundamental importance to any
8 orderly society which reveres such common values as
9 responsibility, independence, and respect for others;

10 (3) in order to reduce recidivism, provide res-
11 titution to victims, reparations to communities, and
12 promote the values of responsibility, independence,
13 and respect for others, the Federal Government
14 should enact policies which expand work, edu-
15 cational, and life skills opportunities for prisoners
16 incarcerated in Federal and State penal institutions;

17 (4) American taxpayers are justified to expect
18 that prisoners reimburse the United States Treasury
19 for the cost of their incarceration, and in addition,
20 that prisoners should make monetary restitution to
21 a fund which benefits the victims of crime;

22 (5) prisoners should be prohibited from engag-
23 ing in certain types of activities which are not
24 healthy and conducive to their successful rehabilita-
25 tion and restitution;

1 (6) prisoners should not have access to certain
2 amenities which are unnecessary, enhance leisure ac-
3 tivities, or do not promote successful rehabilitation;

4 (7) prisoners should not be guaranteed the
5 same wage and working conditions guaranteed to
6 hard working, law abiding Americans;

7 (8) existing Federal laws limit prisoners from
8 engaging in work, and do not impose mandatory
9 work requirements for prisoners; and

10 (9) existing barriers to prisoner labor should be
11 removed and Federal laws should be strengthened to
12 ensure that prisoners, their victims, taxpayers, and
13 society in general reap the maximum benefits and
14 positive values associated with work.

15 **SEC. 3. WORK REQUIREMENT FOR FEDERAL PRISONERS.**

16 (a) WORK REQUIREMENT.—Section 2905 of the
17 Crime Control Act of 1990 (18 U.S.C. 4121 note) is
18 amended by adding at the end of subsection (a) the follow-
19 ing: “Subject to this section, such inmates shall engage
20 in work for not less than 50 hours weekly. In addition
21 inmates shall engage job-training and educational and life
22 skills preparation study. In the event that opportunities
23 otherwise provided by law for inmates to work are not suf-
24 ficient to meet the requirements of the preceding sentence,
25 notwithstanding any other provision of law, the services

1 of prisoners may also be made available to nonprofit enti-
2 ties to carry out any of their business or other functions.
3 Each authority of the United States that makes grants
4 to nonprofit entities shall take appropriate action to in-
5 form such entities of the availability of inmates for this
6 purpose. The Attorney General shall make rules governing
7 the provision of services by inmates to such entities and
8 the payment of any wages or other compensation for such
9 services.”.

10 (b) USE OF PRISON LABOR BY PRIVATE ENTITIES.—

11 (1) Section 4125(a) of title 18, United States
12 Code, is amended by inserting “, and notwithstand-
13 ing any other provision of law, to for-profit Amer-
14 ican entities either located in a foreign country or
15 considering moving to a foreign country by reason of
16 high domestic labor costs for work for those enti-
17 ties” after “Congress”.

18 (2) The Attorney General may provide incen-
19 tives to American entities either located in a foreign
20 country or considering moving to a foreign country
21 by reason of high domestic labor costs, such as the
22 use of space and facilities in Federal prisons at a
23 free or reduced rate.

24 (3) The Attorney General shall make rules governing
25 the provision of services by prisoners to private for-profit

1 entities under this subsection and the amendment made
2 by this subsection. Such rules shall govern the wages and
3 other proceeds paid by entities for those services.

4 (c) USE OF REVENUES FROM PRISON LABOR.—

5 (1) There is established in the Treasury a Fund
6 (hereinafter in this subsection referred to as the
7 “Fund”).

8 (2) All proceeds and wages, less any taxes or
9 withholding required by Federal or State law, from
10 prison labor shall be placed in the Fund.

11 (3) The Fund shall be used, under guidelines
12 established by the Attorney General, as follows:

13 (A) One third shall be used to offset the
14 costs of prisoner incarceration.

15 (B) One third shall be used for victim res-
16 titution.

17 (C) One tenth to be held in a non-interest
18 bearing account for the individual prisoner, to
19 be paid on release from prison, but if the pris-
20 oner will not be eligible for release, then this
21 portion shall be immediately available for use
22 under subparagraph (B).

23 (D) The remainder to States for programs
24 to benefit the dependents of prisoners, but only
25 to those States the Attorney General deter-

1 mines have substantially the same prison work
2 requirements and prison conditions as estab-
3 lished for Federal prisoners.

4 **SEC. 4. PRISONERS UNDER THE FAIR LABOR STANDARDS**
5 **ACT OF 1938 AND THE OCCUPATIONAL SAFE-**
6 **TY AND HEALTH ACT OF 1970.**

7 (a) FAIR LABOR STANDARDS ACT OF 1938.—Section
8 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C.
9 203(e)) is amended by adding at the end the following:
10 “(5) The term ‘employee’ does not include a prisoner
11 confined in a Federal or State prison, in a prison of a
12 political subdivision of a State, or in a prison maintained
13 for the Federal Government, a State government, or politi-
14 cal subdivision government.”.

15 (b) OCCUPATIONAL SAFETY AND HEALTH ACT OF
16 1970.—Section 3(6) of the Occupational Safety and
17 Health Act of 1970 (29 U.S.C. 652(6)) is amended by
18 adding at the end the following: “The term ‘employee’
19 does not include a prisoner confined in a Federal or State
20 prison, in a prison of a political subdivision of a State,
21 or in a prison maintained for the Federal Government,
22 a State government, or political subdivision government.”.

23 **SEC. 5. PRISON CONDITIONS.**

24 The Bureau of Prisoners shall ensure that Federal
25 prisoners—

1 (1) do not smoke, use or possess any type of to-
2 bacco;

3 (2) do not possess, view or read pornographic
4 or sexually explicit materials;

5 (3) are subject to regular and random testing
6 for drugs and illegal substances;

7 (4) do not possess microwave ovens, hot plates,
8 toaster ovens, or televisions (unless provided by the
9 prison for group viewing), or VCRs;

10 (5) do not possess, or listen to, music which
11 contains lyrics that are violent, sexually explicit, vul-
12 gar, glamorize gang membership or activities, de-
13 mean women or disrespect law enforcement;

14 (6) do not view cable television which is not
15 educational in nature; and

16 (7) do not engage in sexual activity.

17 **SEC. 6. CONVICT PILOT PROJECTS.**

18 Section 1761(c)(1) of title 18, United States Code,
19 is amended by striking “—one of not more than 50”.

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