

115TH CONGRESS  
1ST SESSION

# H. R. 3844

To restrict the authority of the Attorney General to enter into contracts for Federal correctional facilities and community confinement facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2017

Mrs. WATSON COLEMAN introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To restrict the authority of the Attorney General to enter into contracts for Federal correctional facilities and community confinement facilities, 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 “End For-Profit Pris-  
5 ons Act of 2017”.

1 **SEC. 2. ELIMINATION OF CONTRACTING FOR FEDERAL**  
2 **CORRECTIONAL FACILITIES AND COMMU-**  
3 **NITY CONFINEMENT FACILITIES.**

4 (a) IN GENERAL.—Chapter 301 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 4015. No contracting out of Federal prison facili-**  
8 **ties or community confinement facilities**

9 “(a) FEDERAL CORRECTIONAL FACILITIES GEN-  
10 ERALLY.—Beginning on the date that is 6 years after the  
11 date of the enactment of the End For-Profit Prisons Act  
12 of 2017—

13 “(1) all core correctional services at each cor-  
14 rectional facility which is used by the Bureau of  
15 Prisons for the confinement of persons serving sen-  
16 tences of imprisonment for Federal offenses shall be  
17 performed by employees of the Federal Government;  
18 and

19 “(2) all core correctional services at each cor-  
20 rectional facility which is used by the United States  
21 Marshals Service for the confinement of persons in  
22 the custody of the United States Marshals Service  
23 shall be performed by employees of the Federal Gov-  
24 ernment, except that the United States Marshals  
25 Service may enter and maintain a contract with a

1 facility operated by a State or unit of local govern-  
2 ment if—

3 “(A) the core correctional services at such  
4 correctional facility are performed by employees  
5 of such State or unit of local government; and

6 “(B) the facility meets all constitutional,  
7 Federal statutory, United States Marshals  
8 Service, and any applicable State or local stand-  
9 ards.

10 “(b) FEDERAL COMMUNITY CONFINEMENT FACILI-  
11 TIES.—Beginning on the date that is 8 years after the  
12 date of the enactment of the End For-Profit Prisons Act  
13 of 2017, the Bureau of Prisons shall not enter into or  
14 maintain any contract with any for-profit entity to provide  
15 or manage any community confinement facility.

16 “(c) DEFINITIONS.—In this section:

17 “(1) The term ‘community confinement facility’  
18 has the meaning given that term in section 115.5 of  
19 title 28, Code of Federal Regulations.

20 “(2) The term ‘core correctional services’ means  
21 the housing, safeguarding, protecting, and dis-  
22 ciplining of individuals charged with or convicted of  
23 an offense.”.

24 (b) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 301 of title 18, United States

1 Code, is amended by adding at the end the following new  
2 item:

“4015. No contracting out of Federal prison facilities or community confinement facilities.”.

3 **SEC. 3. TRANSITIONAL PROVISIONS.**

4 (a) **FEDERAL CORRECTIONAL FACILITIES.**—The At-  
5 torney General shall take appropriate action to phase out  
6 existing Bureau of Prison and United States Marshals  
7 Service contracts which, at the conclusion of the transition  
8 period, will be prohibited under section 4015 of title 18,  
9 United States Code.

10 (b) **FEDERAL COMMUNITY CONFINEMENT FACILI-**  
11 **TIES.**—The Attorney General shall take appropriate ac-  
12 tion to phase out existing Bureau of Prison contracts  
13 which, at the conclusion of the transition period, will be  
14 prohibited under section 4015 of title 18, United States  
15 Code.

16 **SEC. 4. REPORT.**

17 Not later than 2 years after the date of the enact-  
18 ment of this Act, and every 2 years thereafter, the Attor-  
19 ney General shall submit to Congress a report which de-  
20 scribes and evaluates the prison population in the custody  
21 of the Bureau of Prisons. The report shall include infor-  
22 mation regarding the race, gender, age, and nationality  
23 of such persons, as well as the location of the custody of  
24 such persons.

1 **SEC. 5. RESEARCH ON PROGRAMS AND POLICIES THAT RE-**  
2 **DUCE RECIDIVISM.**

3 (a) IN GENERAL.—The Attorney General shall con-  
4 duct research to evaluate the effectiveness at improving  
5 community reintegration of programs operated by, and  
6 policies of community confinement facilities (as such term  
7 is defined in section 4015 of title 18, United States Code),  
8 and shall develop guidelines based on such research for  
9 the use of such programs and policies at community con-  
10 finement facilities.

11 (b) REPORT.—Not later than 4 years after the date  
12 of the enactment of this Act, and every 4 years thereafter,  
13 the Attorney General shall submit to Congress a report  
14 which describes the results of the research conducted  
15 under subsection (a), the guidelines developed pursuant to  
16 such research, and how such guidelines are being incor-  
17 porated into any contract for the provision or management  
18 of a community confinement facility to which the Bureau  
19 of Prisons is a party.

20 **SEC. 6. ANNUAL INSPECTION OF CORRECTIONAL FACILI-**  
21 **TIES USED FOR THE CONFINEMENT OF PER-**  
22 **SONS IN THE CUSTODY OF THE UNITED**  
23 **STATES MARSHALS SERVICE.**

24 Not later than one year after the date of the enact-  
25 ment of this Act, and annually thereafter, the United  
26 States Marshals Services shall conduct a thorough inspec-

1 tion of each correctional facility which is used by the  
2 United States Marshals Service for the confinement of  
3 persons in the custody of the United States Marshals  
4 Service to ensure that each such facility meets all constitu-  
5 tional, Federal statutory, United States Marshals Service,  
6 and any other applicable standards, including any State  
7 or local standards.

8 **SEC. 7. DUTIES OF THE ATTORNEY GENERAL RELATING TO**  
9 **THE RELEASE OF FEDERAL PRISONERS.**

10 Section 3624 of title 18, United States Code, is  
11 amended by adding at the end the following:

12 “(g) PROVISION OF INFORMATION AND COUN-  
13 SELING.—The Attorney General shall make rules to as-  
14 sure that each prisoner released from Federal custody  
15 upon the expiration of that prisoner’s term of imprison-  
16 ment for an offense, including a prisoner who resides in  
17 a community confinement facility (as such term is defined  
18 in section 4015), receives information and appropriate  
19 counseling about each of the following:

20 “(1) Any right the prisoner may have to have  
21 the prisoner’s criminal record expunged.

22 “(2) The availability of programs to remove em-  
23 ployment barriers.

1           “(3) Relevant vocational and educational reha-  
2           bilitation programs that are available to the pris-  
3           oner.

4           “(4) A detailed record of participation in edu-  
5           cational, employment and treatment programs com-  
6           pleted while incarcerated.

7           “(5) Assistance with applications for the fol-  
8           lowing:

9                   “(A) Programs providing nutritional as-  
10                   sistance.

11                   “(B) Medicaid.

12                   “(C) Social Security.

13                   “(D) Driver’s license.

14                   “(E) Registering to vote.”.

15 **SEC. 8. DUTIES OF BUREAU OF PRISONS REGARDING RE-**  
16 **LEASED PRISONERS.**

17           Section 4042 of title 18, United States Code, is  
18 amended by adding at the end the following:

19           “(e) REQUIREMENTS WITH RESPECT TO RELEASED  
20 PRISONERS.—In carrying out the duties set forth in sub-  
21 section (a)(D) and (a)(E), the Bureau of Prisons shall en-  
22 sure that each prisoner receives information and coun-  
23 seling during prerelease procedures regarding each area  
24 described in subsection (a)(D) and (a)(E). In addition, the  
25 Bureau shall provide each released prisoner, including a

1 prisoner who resides in a community confinement facility  
2 (as such term is defined in section 4015), with information  
3 regarding fines, assessments, surcharges, restitution,  
4 other penalties due from the prisoner in connection with  
5 the conviction, which it shall be the duty of the appro-  
6 priate judicial officers to provide to the Bureau.”.

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