

115TH CONGRESS
1ST SESSION

S. 1994

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2017

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

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Corrections Oversight, Recidivism Reduction, and Elimini-
6 nating Costs for Taxpayers In Our National System Act
7 of 2017” or the “CORRECTIONS Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—CORRECTIONS ACT

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Secure firearms storage.

Sec. 301. Short title.

Sec. 302. Findings.

Sec. 303. Establishment of commission.

Sec. 304. Purpose of the commission.

Sec. 305. Review, recommendations, and report.

Sec. 306. Membership.

Sec. 307. Administration.

Sec. 308. Authorization for use of funds.

Sec. 309. Sunset.

2 SEC. 101. RECIDIVISM REDUCTION PROGRAMMING AND
3 PRODUCTIVE ACTIVITIES.

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

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

1 (2) conduct a survey to identify products, in-
 2 cluding products purchased by Federal agencies,
 3 that are currently manufactured overseas and could
 4 be manufactured by prisoners participating in a
 5 prison work program without reducing job opportu-
 6 nities for other workers in the United States; and

7 (3) submit to the Committee on the Judiciary
 8 and the Committee on Appropriations of the Senate
 9 and the Committee on the Judiciary and the Com-
 10 mittee on Appropriations of the House of Represent-
 11 atives a strategic plan for the expansion of recidi-
 12 vism reduction programming and productive activi-
 13 ties, including prison jobs, in Bureau of Prisons fa-
 14 cilities required by section 3621(h)(1) of title 18,
 15 United States Code, as added by subsection (b).

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

19 “(h) RECIDIVISM REDUCTION PROGRAMMING AND
 20 PRODUCTIVE ACTIVITIES.—

21 “(1) IN GENERAL.—The Director of the Bureau
 22 of Prisons, shall, subject to the availability of appro-
 23 priations, make available to all eligible prisoners ap-
 24 propriate recidivism reduction programming or pro-

1 ductive activities, including prison jobs, in accord-
2 ance with paragraph (2).

3 “(2) EXPANSION PERIOD.—

4 “(A) IN GENERAL.—In carrying out this
5 subsection, the Director of the Bureau of Pris-
6 ons shall, not later than 5 years after the date
7 of enactment of this subsection, ensure appro-
8 priate recidivism reduction programming and
9 productive activities, including prison jobs, are
10 available for all eligible prisoners.

11 “(B) CERTIFICATION.—

12 “(i) IN GENERAL.—The National In-
13 stitute of Corrections shall evaluate all re-
14 cidivism reduction programming or produc-
15 tive activities that are made available to el-
16 igible prisoners and determine whether
17 such programming or activities may be cer-
18 tified as evidence-based and effective at re-
19 ducing or mitigating offender risk and re-
20 cidivism.

21 “(ii) CONSIDERATIONS.—In deter-
22 mining whether or not to issue a certifi-
23 cation under clause (i), the National Insti-
24 tute of Corrections shall consult with inter-
25 nal or external program evaluation experts,

1 including the Office of Management and
2 Budget and the Comptroller General of the
3 United States to identify appropriate eval-
4 uation methodologies for each type of pro-
5 gram offered, and may use analyses of
6 similar programs conducted in other cor-
7 rectional settings.

8 “(3) RECIDIVISM REDUCTION PARTNERSHIPS.—

9 Not later than 18 months after the date of enact-
10 ment of this subsection, the Attorney General shall
11 issue regulations requiring the official in charge of
12 each correctional facility to ensure, subject to the
13 availability of appropriations, that appropriate re-
14 cidivism reduction programming and productive ac-
15 tivities, including prison jobs, are available for all el-
16 igible prisoners within the time period specified in
17 paragraph (2), by entering into partnerships with
18 the following:

19 “(A) Nonprofit and other private organiza-
20 tions, including faith-based and community-
21 based organizations, that provide recidivism re-
22 duction programming, on a paid or volunteer
23 basis.

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

4 “(C) Nonprofit or other private organiza-
 5 tions, including faith-based and community-
 6 based organizations, that will—

7 “(i) deliver occupational and voca-
 8 tional training and certifications in Bureau
 9 of Prisons facilities;

10 “(ii) provide equipment to facilitate
 11 occupational and vocational training or em-
 12 ployment opportunities for prisoners;

13 “(iii) employ prisoners; or

14 “(iv) assist prisoners in prerelease
 15 custody or supervised release in finding
 16 employment.

17 “(D) Industry-sponsored organizations
 18 that deliver workforce development and training
 19 that lead to recognized certification and employ-
 20 ment.

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

1 sessment 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 which shall not include any offense under
21 section 1152 or section 1153 for which the
22 prisoner was sentenced to less than 13
23 months. No credit shall be awarded under
24 this subparagraph to a prisoner with 13 or
25 more criminal history points, as deter-

1 mined under the sentencing guidelines, at
2 the time of sentencing, unless the court de-
3 termines in writing at sentencing that the
4 defendant's criminal history category sub-
5 stantially overrepresents the seriousness of
6 the defendant's criminal history or the
7 likelihood that the defendant will commit
8 other crimes and exercises its authority to
9 lower the defendant's criminal history cat-
10 egory. No credit shall be awarded under
11 this subparagraph to any prisoner serving
12 a sentence of imprisonment for conviction
13 for any of the following offenses:

14 “(I) A Federal crime of ter-
15 rorism, as defined in section
16 2332b(g)(5).

17 “(II) A Federal crime of violence,
18 as defined in section 16.

19 “(III) A Federal sex offense, as
20 described in section 111 of the Sex
21 Offender Registration and Notifica-
22 tion Act (34 U.S.C. 20911).

23 “(IV) Engaging in a continuing
24 criminal enterprise, as defined in sec-

tion 408 of the Controlled Substances
Act (21 U.S.C. 848).

“(V) A Federal crime involving
child exploitation, as defined in sec-
tion 2 of the PROTECT Our Children
Act of 2008 (34 U.S.C. 21101).

“(VI) A violation of—

“(aa) chapter 11 (relating to
bribery, graft, and conflicts of in-
terest);

“(bb) chapter 29 (relating to
elections and political activities);

“(cc) section 1028A, 1031,
or 1040 (relating to fraud);

“(dd) chapter 63 involving a
scheme or artifice to deprive an-
other of the intangible right of
honest services;

“(ee) chapter 73 (relating to
obstruction of justice);

“(ff) chapter 95 or 96 (re-
lating to racketeering and rack-
eteer influenced and corrupt or-
ganizations); or

1 “(gg) chapter 110 (relating
2 to sexual exploitation and other
3 abuse of children).

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

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

24 “(C) PENALTIES.—The Bureau of Prisons
25 may reduce rewards a prisoner has previously

1 earned under subparagraph (A) for prisoners
 2 who violate the rules of the penal or correc-
 3 tional facility in which the prisoner is impris-
 4 oned, a recidivism reduction program, or a pro-
 5 ductive activity.

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

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

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

22 “(i) regularly attended and partici-
 23 pated in the recidivism reduction program
 24 or productive activity;

1 “(ii) regularly completed assignments
2 or tasks in a manner that allowed the pris-
3 oner to realize the criminogenic benefits of
4 the recidivism reduction program or pro-
5 ductive activity;

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

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

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

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

1 “(A) ELIGIBLE PRISONER.—The term ‘eli-
2 gible prisoner’ means—

3 “(i) an individual who has been sen-
4 tenced to a term of imprisonment pursuant
5 to a conviction for a Federal criminal of-
6 fense; or

7 “(ii) an individual within the custody
8 of the Bureau of Prisons, including an in-
9 dividual in a Bureau of Prisons contracted
10 facility.

11 “(B) PRODUCTIVE ACTIVITY.—The term
12 ‘productive activity’—

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

20 “(ii) may include the delivery of the
21 activities described in subparagraph
22 (C)(i)(II) to other prisoners.

23 “(C) RECIDIVISM REDUCTION PROGRAM.—
24 The term ‘recidivism reduction program’
25 means—

1 “(i) a group or individual activity
2 that—

3 “(I) has been certified to reduce
4 recidivism or promote successful re-
5 entry; and

6 “(II) may include—

7 “(aa) classes on social learn-
8 ing and life skills;

9 “(bb) classes on morals or
10 ethics;

11 “(cc) academic classes;

12 “(dd) cognitive behavioral
13 treatment;

14 “(ee) mentoring;

15 “(ff) occupational and voca-
16 tional training;

17 “(gg) faith-based classes or
18 services;

19 “(hh) domestic violence edu-
20 cation and deterrence program-
21 ming;

22 “(ii) victim-impact classes or
23 other restorative justice pro-
24 grams;

1 “(jj) industry-sponsored
2 workforce development, edu-
3 cation, or training; and

4 “(kk) 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 (c) NO CONSIDERATION OF EARNED TIME CREDIT
18 ELIGIBILITY DURING SENTENCING.—

19 (1) IN GENERAL.—Section 3553 of title 18,
20 United States Code, is amended—

21 (A) by redesignating subsections (b)
22 through (f) as subsections (e) through (g), re-
23 spectively;

1 (B) in subsection (e)(3), as so redesign-
 2 nated, by striking “subsection (c)” and insert-
 3 ing “subsection (d)”; and

4 (C) by inserting after subsection (a) the
 5 following:

6 “(b) In imposing a sentence, the court shall not con-
 7 sider the defendant’s eligibility or potential eligibility for
 8 credit under section 3621(e), 3621(h), or 3624(b) or any
 9 similar provision of law, but shall not be prohibited from
 10 informing the defendant of the existence of such credits
 11 or related programs.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
 13 MENTS.—Section 3742 of title 18, United States
 14 Code, is amended—

15 (A) in subsection (e)(3)—

16 (i) in subparagraph (A), by striking
 17 “section 3553(c)” and inserting “section
 18 3553(d)”;

19 (ii) in subparagraph (B)(ii), by strik-
 20 ing “section 3553(b)” and inserting “sec-
 21 tion 3553(c)”;

22 (iii) in subparagraph (C), by striking
 23 “section 3553(c)” and inserting “section
 24 3553(d)”;

1 (B) in subsection (g)(2), by striking “sec-
 2 tion 3553(c)” and inserting “section 3553(d)”;
 3 and

4 (C) in subsection (j)(1)(B), by striking
 5 “section 3553(b)” and inserting “section
 6 3553(c)”.

7 **SEC. 102. POST-SENTENCING RISK AND NEEDS ASSESS-**
 8 **MENT SYSTEM.**

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

12 **“§ 3621A. Post-sentencing risk and needs assessment**
 13 **system**

14 “(a) IN GENERAL.—Not later than 6 months after
 15 the date of the enactment of this section, the Attorney
 16 General shall develop for use by the Bureau of Prisons
 17 an offender risk and needs assessment system, to be
 18 known as the ‘Post-Sentencing Risk and Needs Assess-
 19 ment System’ or the ‘Assessment System’, which shall—

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

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

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

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

9 “(5) reassess and update the recidivism risk
 10 level and programmatic needs of each prisoner pur-
 11 suant to the schedule set forth in subsection (c)(2),
 12 and assess changes in the prisoner’s recidivism risk
 13 within a particular risk level; and

14 “(6) provide information on best practices con-
 15 cerning the tailoring of recidivism reduction pro-
 16 grams to the specific criminogenic needs of each
 17 prisoner so as to effectively lower the prisoner’s risk
 18 of recidivating.

19 “(b) DEVELOPMENT OF SYSTEM.—

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

22 “(A) use available research and best prac-
 23 tices in the field and consult with academic and
 24 other criminal justice experts as appropriate;

1 “(B) ensure that the Assessment System
2 measures indicators of progress and improve-
3 ment, and of regression, including newly ac-
4 quired skills, attitude, and behavior changes
5 over time, through meaningful consideration of
6 dynamic risk factors, such that—

7 “(i) all prisoners at each risk level
8 other than low risk have a meaningful op-
9 portunity to progress to a lower risk classi-
10 fication during the period of the incarceration
11 of the prisoner through changes in
12 dynamic risk factors; and

13 “(ii) all prisoners on prerelease cus-
14 tody, other than prisoners classified as low
15 risk, have a meaningful opportunity to
16 progress to a lower risk classification dur-
17 ing such custody through changes in dy-
18 namic risk factors;

19 “(C) ensure that the Assessment System is
20 adjusted on a regular basis, but not less fre-
21 quently than every 3 years, to take account of
22 the best statistical evidence of effectiveness in
23 reducing recidivism rates; and

1 “(D) ensure that the Assessment System
2 does not result in unwarranted disparities, in-
3 cluding by—

4 “(i) regularly evaluating rates of re-
5 cidivism among similarly classified pris-
6 oners to identify any unwarranted dispari-
7 ties in such rates, including disparities
8 among similarly classified prisoners of dif-
9 ferent racial groups; and

10 “(ii) adjusting the Assessment System
11 to reduce such disparities to the greatest
12 extent possible.

13 “(2) RISK AND NEEDS ASSESSMENT TOOLS.—
14 In carrying out this subsection, the Attorney Gen-
15 eral shall—

16 “(A) develop a suitable intake assessment
17 tool to perform the initial assessments and de-
18 terminations described in subsection (a)(1), and
19 to make the assignments described in para-
20 graphs (3) and (4) of subsection (a);

21 “(B) develop a suitable reassessment tool
22 to perform the reassessments and updates de-
23 scribed in subsection (a)(5); and

1 “(C) develop a suitable tool to assess the
2 recidivism risk level of prisoners in prerelease
3 custody.

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

9 “(4) USE OF PRESENTENCE REPORT.—In car-
10 rying out this subsection, the Attorney General shall
11 coordinate with the United States Probation and
12 Pretrial Services to ensure that the findings of the
13 Presentence Report of each offender are available
14 and considered in the Assessment System.

15 “(5) VALIDATION.—In carrying out this sub-
16 section, the Attorney General shall statistically vali-
17 date the risk and needs assessment tools on the Fed-
18 eral prison population, or ensure that the tools have
19 been so validated. To the extent such validation can-
20 not be completed with the time period specified in
21 subsection (a), the Attorney General shall ensure
22 that such validation is completed as soon as is prac-
23 ticable.

24 “(6) RELATIONSHIP WITH EXISTING CLASSI-
25 FICATION SYSTEMS.—The Bureau of Prisons may

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

13 “(c) RISK ASSESSMENT.—

14 “(1) INITIAL ASSESSMENTS.—Not later than 12
 15 months after the date on which the Attorney Gen-
 16 eral develops the Assessment System, the Bureau of
 17 Prisons shall determine the risk level and
 18 criminogenic needs of each prisoner using the As-
 19 sessment System.

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

23 “(A) not less frequently than once each
 24 year for any prisoner whose anticipated release
 25 date is within 3 years;

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

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

6 “(d) ASSIGNMENT OF RECIDIVISM REDUCTION PRO-
7 GRAMS OR PRODUCTIVE ACTIVITIES.—The Assessment
8 System shall provide guidance on the kind and amount
9 of recidivism reduction programming or productive activi-
10 ties appropriate for each prisoner.

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

19 “(f) INFORMATION FROM PRESENTENCE REPORT.—
20 The Attorney General shall ensure that the Bureau of
21 Prisons uses relevant information from the Presentence
22 Report of each offenders when conducting an assessment
23 under this section.

24 “(g) QUALITY ASSURANCE.—In order to ensure that
25 the Bureau of Prisons is using the Assessment System in

1 an appropriate and consistent manner, the Attorney Gen-
 2 eral shall monitor and assess the use of the Assessment
 3 System and shall conduct periodic audits of the use of the
 4 Assessment System at facilities of the Bureau of Prisons.

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

14 “(i) DEFINITIONS.—In this section:

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

22 “(2) RECIDIVISM RISK.—The term ‘recidivism
 23 risk’ means the likelihood that a prisoner will com-
 24 mit additional crimes for which the prisoner could be

1 prosecuted in a Federal, State, or local court in the
2 United States.

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

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

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

12 **SEC. 103. PRERELEASE CUSTODY.**

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

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

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

23 “(2) CREDIT FOR RECIDIVISM REDUCTION.—
24 Notwithstanding the 10 percent limit described in
25 paragraph (1) and in addition to any time spent in

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

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

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

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

1 “(A) Lower-risk, lower-need prisoners shall
2 be placed directly into home confinement or
3 community supervision.

4 “(B) Residential reentry center placements
5 shall be reserved for the higher-risk, higher-
6 need prisoners.”;

7 (3) by redesignating paragraphs (4) through
8 (6) as paragraphs (9) through (11), respectively;
9 (4) by inserting the following after paragraph
10 (3):

11 “(4) HOME CONFINEMENT.—

12 “(A) IN GENERAL.—Upon placement in
13 home confinement pursuant to paragraph (2), a
14 prisoner shall—

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

18 “(ii) remain in the prisoner’s resi-
19 dence, with the exception of the following
20 activities, subject to approval by the Direc-
21 tor of the Bureau of Prisons—

22 “(I) participation in a job, job-
23 seeking activities, or job-related activi-
24 ties, including an apprenticeship;

1 “(II) participation in recidivism
2 reduction programming or productive
3 activities assigned by the Post-Sen-
4 tencing Risk and Needs Assessment
5 System, or similar activities approved
6 in advance by the Director of the Bu-
7 reau of Prisons;

8 “(III) participation in community
9 service;

10 “(IV) crime victim restoration ac-
11 tivities;

12 “(V) medical treatment; or

13 “(VI) religious activities; and

14 “(iii) comply with such other condi-
15 tions as the Director of the Bureau of
16 Prisons deems appropriate.

17 “(B) ALTERNATIVE MEANS OF MONI-
18 TORING.—If compliance with subparagraph
19 (A)(i) is infeasible due to technical limitations
20 or religious considerations, the Director of the
21 Bureau of Prisons may employ alternative
22 means of monitoring that are determined to be
23 as effective or more effective than electronic
24 monitoring.

1 “(C) MODIFICATIONS.—The Director of
 2 the Bureau of Prisons may modify the condi-
 3 tions of the prisoner’s home confinement for
 4 compelling reasons, if the prisoner’s record
 5 demonstrates exemplary compliance with such
 6 conditions.

7 “(5) COMMUNITY SUPERVISION.—

8 “(A) TIME CREDIT LESS THAN 36
 9 MONTHS.—Any prisoner described in subpara-
 10 graph (D) who has earned time credit of less
 11 than 36 months pursuant to section
 12 3621(h)(6)(A) shall be eligible to serve no more
 13 than one-half of the amount of such credit on
 14 community supervision, if the prisoner satisfies
 15 the conditions set forth in subparagraph (C).

16 “(B) TIME CREDIT OF 36 MONTHS OR
 17 MORE.—Any prisoner described in subpara-
 18 graph (D) who has earned time credit of 36
 19 months or more pursuant to section
 20 3621(h)(6)(A) shall be eligible to serve the
 21 amount of such credit exceeding 18 months on
 22 community supervision, if the prisoner satisfies
 23 the conditions set forth in subparagraph (C).

24 “(C) CONDITIONS OF COMMUNITY SUPER-
 25 VISION.—A prisoner placed on community su-

1 pervision shall be subject to such conditions as
 2 the Director of the Bureau of Prisons deems
 3 appropriate. A prisoner on community super-
 4 vision may remain on community supervision
 5 until the conclusion of the prisoner's sentence
 6 of incarceration if the prisoner—

7 “(i) complies with all conditions of
 8 prerelease custody;

9 “(ii) remains current on any financial
 10 obligations imposed as part of the pris-
 11 oner's sentence, including payments of
 12 court-ordered restitution arising from the
 13 offense of conviction; and

14 “(iii) refrains from committing any
 15 State, local, or Federal offense.

16 “(D) COVERED PRISONERS.—A prisoner
 17 described in this subparagraph is a prisoner
 18 who—

19 “(i) is classified as low risk by the
 20 Post-Sentencing Risk and Needs Assess-
 21 ment System in the assessment conducted
 22 for purposes of paragraph (2); or

23 “(ii) is subsequently classified as low
 24 risk by the Post-Sentencing Risk and
 25 Needs Assessment System.

1 “(6) VIOLATIONS.—If a prisoner violates a con-
 2 dition of the prisoner’s prerelease custody, the Di-
 3 rector of the Bureau of Prisons may revoke the pris-
 4 oner’s prerelease custody and require the prisoner to
 5 serve the remainder of the prisoner’s term of incar-
 6 ceration, or any portion thereof, in prison, or impose
 7 additional conditions on the prisoner’s prerelease
 8 custody as the Director of the Bureau of Prisons
 9 deems appropriate. If the violation is nontechnical in
 10 nature, the Director of the Bureau of Prisons shall
 11 revoke the prisoner’s prerelease custody.

12 “(7) CREDIT FOR PRERELEASE CUSTODY.—
 13 Upon completion of a prisoner’s sentence, any term
 14 of supervised release imposed on the prisoner shall
 15 be reduced by the amount of time the prisoner
 16 served in prerelease custody pursuant to paragraph
 17 (2).

18 “(8) AGREEMENTS WITH UNITED STATES PRO-
 19 BATION AND PRETRIAL SERVICES.—The Director of
 20 the Bureau of Prisons shall, to the greatest extent
 21 practicable, enter into agreements with the United
 22 States Probation and Pretrial Services to supervise
 23 prisoners placed in home confinement or community
 24 supervision under this subsection. Such agreements
 25 shall authorize United States Probation and Pretrial

1 Services to exercise the authority granted to the Di-
2 rector of the Bureau of Prisons pursuant to para-
3 graphs (4), (5), and (12). Such agreements shall
4 take into account the resource requirements of
5 United States Probation and Pretrial Services as a
6 result of the transfer of Bureau of Prisons inmates
7 to prerelease custody and shall provide for the trans-
8 fer of monetary sums necessary to comply with such
9 requirements. United States Probation and Pretrial
10 Services shall, to the greatest extent practicable,
11 offer assistance to any prisoner not under its super-
12 vision during prerelease custody under this sub-
13 section.”; and

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

15 “(12) DETERMINATION OF APPROPRIATE CON-
16 DITIONS FOR PRERELEASE CUSTODY.—In deter-
17 mining appropriate conditions for prerelease custody
18 pursuant to this subsection, and in accordance with
19 paragraph (5), the Director of the Bureau of Pris-
20 ons shall, to the extent practicable, subject prisoners
21 who demonstrate continued compliance with the re-
22 quirements of such prerelease custody to increas-
23 ingly less restrictive conditions, so as to most effec-
24 tively prepare such prisoners for reentry. No pris-
25 oner shall be transferred to community supervision

1 unless the length of the prisoner's eligibility for com-
2 munity supervision pursuant to paragraph (5) is
3 equivalent to or greater than the length of the pris-
4 oner's remaining period of prerelease custody.

5 “(13) ALIENS SUBJECT TO DEPORTATION.—If
6 the prisoner is an alien whose deportation was or-
7 dered as a condition of supervised release or who is
8 subject to a detainer filed by Immigration and Cus-
9 toms Enforcement for the purposes of determining
10 the alien's deportability, the Director of the Bureau
11 of Prisons shall, upon the prisoner's transfer to
12 prerelease custody pursuant to paragraphs (1) and
13 (2), deliver the prisoner to United States Immigra-
14 tion and Customs Enforcement for the purpose of
15 conducting proceedings relating to the alien's depor-
16 tation.

17 “(14) NOTICE OF TRANSFER TO PRERELEASE
18 CUSTODY.—

19 “(A) IN GENERAL.—The Director of the
20 Bureau of Prisons may not transfer a prisoner
21 to prerelease custody pursuant to paragraph (2)
22 if the prisoner has been sentenced to a term of
23 incarceration of more than 3 years, unless the
24 Director of the Bureau of Prisons provides
25 prior notice to the sentencing court and the

1 United States Attorney's Office for the district
2 in which the prisoner was sentenced.

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

7 “(C) CONTENTS OF NOTICE.—The notice
8 required under subparagraph (A) shall include
9 the following information:

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

12 “(ii) The anticipated date of the pris-
13 oner's transfer.

14 “(iii) The nature of the prisoner's
15 planned prerelease custody.

16 “(iv) The prisoner's behavioral record.

17 “(v) The most recent risk assessment
18 of the prisoner.

19 “(D) HEARING.—

20 “(i) IN GENERAL.—On motion of the
21 Government, the sentencing court may
22 conduct a hearing on the prisoner's trans-
23 fer to prerelease custody.

24 “(ii) PRISONER'S PRESENCE.—The
25 prisoner shall have the right to be present

1 at a hearing described in clause (i), unless
2 the prisoner waives such right. The re-
3 quirement under this clause may be satis-
4 fied by the defendant appearing by video
5 teleconference.

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

8 “(I) shall set forth the basis for
9 the Government’s request that the
10 prisoner’s transfer be denied or modi-
11 fied pursuant to subparagraph (E)
12 and include input from local law en-
13 forcement authorities regarding prior
14 conduct or any other relevant infor-
15 mation; and

16 “(II) shall not require the Court
17 to conduct a hearing described in
18 clause (i).

19 “(iv) JUSTICE DEPARTMENT REVIEW
20 OF TRANSFERS TO PRERELEASE CUS-
21 TODY.—If the Department of Justice does
22 not seek a hearing under this subpara-
23 graph to deny or modify a prisoner’s trans-
24 fer to prerelease custody, the Department
25 of Justice prior to such transfer shall

1 make a determination to that effect in
 2 writing, including the reasons for that de-
 3 termination.

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. 104. 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 title and the amendments made
2 by this title.

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 title and the amendments
5 made by this title, 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 title and the amendments made by this
10 title, including savings resulting from the
11 avoidance or deferral of future construc-
12 tion, acquisition, 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 title and
20 the amendments made by this title;

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-

ductive activities in the Bureau of Prisons;
and

(iv) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this title, and the amendments made by this title, are currently being used and will be used to—

(I) increase investment in law enforcement and crime prevention to combat gangs of national significance and high-level drug traffickers through the High Intensity Drug Trafficking Areas program and other task forces;

(II) hire, train, and equip law enforcement officers and prosecutors;
and

(III) promote crime reduction programs using evidence-based practices and strategic planning to help reduce crime and criminal recidivism.

(2) REINVESTMENT OF SAVINGS TO FUND PUBLIC SAFETY PROGRAMMING.—

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

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

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

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

21 (C) USE OF FUNDS.—The funds described
 22 in subparagraph (A)(ii) shall be used, con-
 23 sistent with paragraph (1)(D)(iii), to achieve
 24 each of the following objectives:

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 title.

12 (iii) Supplement funding for programs
13 that increase public safety by providing re-
14 sources to State and local law enforcement
15 officials, including for the adoption of in-
16 novative technologies and information
17 sharing capabilities.

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

24 (1) a strategy to expand the availability of such
25 programs without reducing job opportunities for

1 workers in the United States who are not in the cus-
2 tody of the Bureau of Prisons;

3 (2) an assessment of the feasibility of expand-
4 ing such programs, consistent with the strategy re-
5 quired under paragraph (1), so that, not later than
6 5 years after the date of enactment of this Act, not
7 less than 75 percent of eligible low-risk offenders
8 have the opportunity to participate in a prison work
9 program for not less than 20 hours per week; and
10 (3) a detailed discussion of legal authorities
11 that would be useful or necessary to achieve the
12 goals described in paragraphs (1) and (2).

13 (c) REPORTING ON RECIDIVISM RATES.—

14 (1) IN GENERAL.—Beginning 1 year after the
15 date of enactment of this Act, and every year there-
16 after, the Attorney General, in consultation with the
17 Administrative Office of the United States Courts,
18 shall report to the appropriate committees of Con-
19 gress on rates of recidivism among individuals who
20 have been released from Federal prison and who are
21 under judicial supervision, including the rates of re-
22 cidivism at regular annual intervals during the 10-
23 year period after release from prison.

24 (2) CONTENTS.—The report required under
25 paragraph (1) shall contain information on rates of

1 recidivism among former Federal prisoners, includ-
2 ing information on rates of recidivism among former
3 Federal prisoners based on the following criteria:

4 (A) Primary offense charged.

5 (B) Length of sentence imposed and
6 served.

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

9 (D) Recidivism reduction programming
10 that the prisoner successfully completed, if any.

11 (E) The prisoner's assessed risk of recidi-
12 vism.

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

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

1 section 3624(c)(2) of title 18, United States Code, as
 2 added by this title, which shall review the effectiveness of
 3 different categories of incentives in reducing recidivism.

4 (e) DEFINITION.—The term “appropriate committees
 5 of Congress” means—

6 (1) the Committee on the Judiciary and the
 7 Subcommittee on Commerce, Justice, Science, and
 8 Related Agencies of the Committee on Appropria-
 9 tions of the Senate; and

10 (2) the Committee on the Judiciary and the
 11 Subcommittee on Commerce, Justice, Science, and
 12 Related Agencies of the Committee on Appropria-
 13 tions of the House of Representatives.

14 **SEC. 105. ADDITIONAL TOOLS TO PROMOTE RECOVERY**
 15 **AND PREVENT DRUG AND ALCOHOL ABUSE**
 16 **AND DEPENDENCE.**

17 (a) REENTRY AND RECOVERY PLANNING.—

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

20 (A) by redesignating subsections (b), (c),
 21 and (d) as subsections (c), (d), and (e), respec-
 22 tively;

23 (B) by inserting after subsection (a) the
 24 following:

25 “(b) REENTRY AND RECOVERY PLANNING.—

1 “(1) IN GENERAL.—In addition to the informa-
2 tion required by rule 32(d) of the Federal Rules of
3 Criminal Procedure, the report submitted pursuant
4 to subsection (a) shall contain the following informa-
5 tion, unless such information is required to be ex-
6 cluded pursuant to rule 32(d)(3) of the Federal
7 Rules of Criminal Procedure or except as provided
8 in paragraph (2):

9 “(A) Information about the defendant’s
10 history of substance abuse and addiction, if ap-
11 plicable.

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

15 “(C) A detailed plan, which shall include
16 the identification of programming provided by
17 the Bureau of Prisons that is appropriate for
18 the defendant’s needs, that the probation officer
19 determines will—

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

23 “(ii) reduce the defendant’s likelihood
24 of recidivism by addressing the defendant’s
25 specific recidivism risk factors; and

1 “(iii) assist the defendant preparing
2 for reentry into the community.

3 “(2) EXCEPTIONS.—The information described
4 in paragraph (1)(C)(iii) shall not be required to be
5 included under paragraph (1), in the discretion of
6 the Probation Officer, if the applicable sentencing
7 range under the sentencing guidelines, as deter-
8 mined by the probation officer, includes a sentence
9 of life imprisonment or a sentence of probation.”;

10 (C) in subsection (c), as redesignated, in
11 the first sentence, by striking “subsection (a) or
12 (c)” and inserting “subsection (a) or (d)”; and

13 (D) in subsection (d), as redesignated, by
14 striking “subsection (a) or (b)” and inserting
15 “subsection (a) or (c)”.

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

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

1 “(C) COMMENCEMENT OF TREATMENT.—

2 Not later than 12 months after the date of en-
 3 actment of this subparagraph, the Director of
 4 the Bureau of Prisons shall ensure that each el-
 5 igible prisoner has an opportunity to commence
 6 participation in treatment under this subsection
 7 by such date as is necessary to ensure that the
 8 prisoner completes such treatment not later
 9 than 1 year before the date on which the pris-
 10 oner would otherwise be released from custody
 11 prior to the application of any reduction in sen-
 12 tence pursuant to this paragraph.

13 “(D) OTHER CREDITS.—The Director of
 14 the Bureau of Prisons may, in the Director’s
 15 discretion, reduce the credit awarded under
 16 subsection (h)(6)(A) to a prisoner who receives
 17 a reduction under subparagraph (B), but such
 18 reduction may not exceed one-half the amount
 19 of the reduction awarded to the prisoner under
 20 subparagraph (B).”.

21 (c) SUPERVISED RELEASE PILOT PROGRAM TO RE-
 22 DUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCO-
 23 HOL AND DRUG ABUSE.—

24 (1) IN GENERAL.—Not later than 1 year after
 25 the date of enactment of this Act, the Administrative

1 Office of the United States Courts shall establish a
2 recidivism reduction and recovery enhancement pilot
3 program, premised on high-intensity supervision and
4 the use of swift, predictable, and graduated sanc-
5 tions for noncompliance with program rules, in Fed-
6 eral judicial districts selected by the Administrative
7 Office of the United States Courts in consultation
8 with the Attorney General.

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

12 (A) Upon entry into the pilot program, the
13 court shall notify program participants of the
14 rules of the program and consequences for vio-
15 lating such rules, including the penalties to be
16 imposed as a result of such violations pursuant
17 to subparagraph (E).

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

21 (C) In the event that a probation officer
22 determines that a participant has violated a
23 term of supervised release, the officer shall no-
24 tify the court within 24 hours of such deter-
25 mination, absent good cause.

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

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

10 (i) Modification of the terms of such
11 participant's supervised release, which may
12 include imposition of a period of home con-
13 finement.

14 (ii) Referral to appropriate substance
15 abuse treatment.

16 (iii) Revocation of the defendant's su-
17 pervised release and the imposition of a
18 sentence of incarceration that is no longer
19 than necessary to punish the participant
20 for such violation and deter the participant
21 from committing future violations.

22 (iv) For participants who habitually
23 fail to abide by program rules or pose a
24 threat to public safety, termination from
25 the program.

1 (3) STATUS OF PARTICIPANT IF INCARCER-
2 ATED.—

3 (A) IN GENERAL.—In the event that a pro-
4 gram participant is sentenced to incarceration
5 as described in paragraph (2)(E)(iii), the par-
6 ticipant shall remain in the program upon re-
7 lease from incarceration unless terminated from
8 the program in accordance with paragraph
9 (2)(E)(iv).

10 (B) POLICIES FOR MAINTAINING EMPLOY-
11 MENT.—The Bureau of Prisons, in consultation
12 with the Chief Probation Officers of the Federal
13 judicial districts selected for participation in the
14 pilot program required under paragraph (1),
15 shall develop policies to enable program partici-
16 pants sentenced to terms of incarceration as de-
17 scribed in paragraph (2)(E) to, where prac-
18 ticable, serve the terms of incarceration while
19 maintaining employment, including allowing the
20 terms of incarceration to be served on week-
21 ends.

22 (4) ADVISORY SENTENCING POLICIES.—

23 (A) IN GENERAL.—The United States Sen-
24 tencing Commission, in consultation with the
25 Chief Probation Officers, the United States At-

1 torneys, Federal Defenders, and Chief Judges
2 of the districts selected for participation in the
3 pilot program required under paragraph (1),
4 shall establish advisory sentencing policies to be
5 used by the district courts in imposing sen-
6 tences of incarceration in accordance with para-
7 graph (2)(E).

8 (B) REQUIREMENT.—The advisory sen-
9 tencing policies established under subparagraph
10 (A) shall be consistent with the stated goal of
11 the pilot program to impose predictable and
12 graduated sentences that are no longer than
13 necessary for violations of program rules.

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

19 (6) ASSESSMENT OF PROGRAM OUTCOMES AND
20 REPORT TO CONGRESS.—

21 (A) IN GENERAL.—Not later than 2 years
22 after the date of enactment of this Act, the Ad-
23 ministrative Office of the United States Courts
24 shall conduct an evaluation of the pilot program

1 and submit to Congress a report on the results
2 of the evaluation.

3 (B) CONTENTS.—The report required
4 under subparagraph (A) shall include—

5 (i) the rates of substance abuse
6 among program participants;

7 (ii) the rates of violations of the terms
8 of supervised release by program partici-
9 pants, and sanctions imposed;

10 (iii) information about employment of
11 program participants;

12 (iv) a comparison of outcomes among
13 program participants with outcomes among
14 similarly situated individuals under the su-
15 pervision of United States Probation and
16 Pretrial Services not participating in the
17 program; and

18 (v) an assessment of the effectiveness
19 of each of the relevant features of the pro-
20 gram.

21 **SEC. 106. PROMOTING SUCCESSFUL REENTRY.**

22 (a) FEDERAL REENTRY DEMONSTRATION
23 PROJECTS.—

24 (1) EVALUATION OF EXISTING BEST PRACTICES
25 FOR REENTRY.—Not later than 1 year after the date

1 of enactment of this Act, the Attorney General, in
2 consultation with the Administrative Office of the
3 United States Courts, shall—

4 (A) evaluate best practices used for the re-
5 entry into society of individuals released from
6 the custody of the Bureau of Prisons, includ-
7 ing—

8 (i) conducting examinations of reentry
9 practices in Federal, State, and local jus-
10 tice systems; and

11 (ii) consulting with Federal, State,
12 and local prosecutors, Federal, State, and
13 local public defenders, nonprofit organiza-
14 tions that provide reentry services, and
15 criminal justice experts; and

16 (B) submit to the Committee on the Judi-
17 ciary of the Senate and the Committee on the
18 Judiciary of the House of Representatives a re-
19 port that details the evaluation conducted under
20 subparagraph (A).

21 (2) CREATION OF REENTRY DEMONSTRATION
22 PROJECTS.—Not later than 3 years after the date of
23 enactment of this Act, the Attorney General, in con-
24 sultation with the Administrative Office of the
25 United States Courts, shall, subject to the avail-

1 ability of appropriations, select an appropriate num-
2 ber of Federal judicial districts to conduct Federal
3 reentry demonstration projects using the best prac-
4 tices identified in the evaluation conducted under
5 paragraph (1), which may include Federal judicial
6 districts with existing reentry programs. The Attor-
7 ney General shall determine the appropriate number
8 of Federal judicial districts to conduct demonstra-
9 tion projects under this paragraph.

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

19 (4) PROJECT ELEMENTS.—A project designed
20 under paragraph (3) shall coordinate efforts by Fed-
21 eral agencies to assist participating prisoners in pre-
22 paring for and adjusting to reentry into the commu-
23 nity and may include, as appropriate—

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

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

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

13 (D) regular drug testing for participants
14 with a history of substance abuse;

15 (E) substance abuse treatment, which may
16 include addiction treatment medication, if ap-
17 propriate, medical treatment, including mental
18 health treatment, occupational, vocational and
19 educational training, apprenticeships, life skills
20 instruction, recovery support, conflict resolution
21 training, and other programming to promote ef-
22 fective reintegration into the community;

23 (F) the participation of volunteers to serve
24 as advisors and mentors to prisoners being re-
25 leased into the community;

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

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

8 (5) REVIEW OF PROJECT OUTCOMES.—Not
9 later than 3 years after the date of enactment of
10 this Act, the Administrative Office of the United
11 States Courts, in consultation with the Attorney
12 General, shall—

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

22 (B) submit to the Committee on the Judi-
23 ciary of the Senate and the Committee on the
24 Judiciary of the House of Representatives a re-
25 port that contains—

1 (i) the evaluation of the best practices
2 identified in the report required under
3 paragraph (1); and

4 (ii) the results of the demonstration
5 projects required under paragraph (2).

6 (b) STUDY ON THE IMPACT OF REENTRY ON CER-
7 TAIN COMMUNITIES.—

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

18 (2) CONTENTS.—The report required under
19 paragraph (1) shall analyze the impact of reentry of
20 individuals released from both State and Federal
21 correctional systems as well as State and Federal ju-
22 venile justice systems, and shall include—

23 (A) an assessment of the reentry burdens
24 borne by local communities and local law en-
25 forcement agencies;

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

6 (C) recommendations to strengthen the re-
 7 sources in such communities available to sup-
 8 port successful reentry and to lessen the burden
 9 placed on such communities by the need to sup-
 10 port reentry.

11 (c) FACILITATING REENTRY ASSISTANCE TO VET-
 12 ERANS.—

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

24 (2) POST-COMMENCEMENT NOTICE.—If the
 25 prisoner informs the Bureau of Prisons of the pris-

1 oner's prior service in the Armed Forces of the
2 United States after the commencement of the pris-
3 oner's sentence, the Director of the Bureau of Pris-
4 ons shall notify the Secretary of Veterans Affairs
5 and the Secretary of Labor not later than 2 months
6 after the date on which the prisoner provides such
7 notice.

8 (3) CONTENTS OF NOTICE.—The notice pro-
9 vided by the Director of the Bureau of Prisons to
10 the Secretary of Veterans Affairs and the Secretary
11 of Labor under this subsection shall include the
12 identity of the prisoner, the facility in which the
13 prisoner is located, the prisoner's offense of convic-
14 tion, and the length of the prisoner's sentence.

15 (4) ACCESS TO VA AND DOL.—The Bureau of
16 Prisons shall provide the Department of Veterans
17 Affairs and the Department of Labor with reason-
18 able access to any prisoner who has previously
19 served in the Armed Forces of the United States for
20 purposes of facilitating that prisoner's reentry.

21 **SEC. 107. PAROLE FOR JUVENILES.**

22 (a) IN GENERAL.—Chapter 403 of title 18, United
23 States Code, is amended by inserting after section 5032
24 the following:

1 **“§ 5032A. Modification of an imposed term of impris-**
2 **onment for violations of law committed**
3 **prior to age 18**

4 “(a) IN GENERAL.—Notwithstanding any other pro-
5 vision of law, a court may reduce a term of life imprison-
6 ment imposed upon a defendant convicted as an adult for
7 an offense committed and completed before the defendant
8 attained 18 years of age if—

9 “(1) the defendant has served 30 years in cus-
10 tody for the offense; and

11 “(2) the court finds, after considering the fac-
12 tors set forth in subsection (c), that the defendant
13 is not a danger to the safety of any person or the
14 community and that the interests of justice warrant
15 a sentence modification.

16 “(b) SUPERVISED RELEASE.—Any defendant whose
17 sentence is reduced pursuant to subsection (a) shall be or-
18 dered to serve a period of supervised release of not less
19 than 5 years following release from imprisonment. The
20 conditions of supervised release and any modification or
21 revocation of the term of supervise release shall be in ac-
22 cordance with section 3583.

23 “(c) FACTORS AND INFORMATION TO BE CONSID-
24 ERED IN DETERMINING WHETHER TO MODIFY A TERM
25 OF IMPRISONMENT.—The court, in determining whether

1 to reduce a term of imprisonment pursuant to subsection
2 (a), shall consider—

3 “(1) the factors described in section 3553(a),
4 including the nature of the offense and the history
5 and characteristics of the defendant;

6 “(2) the age of the defendant at the time of the
7 offense;

8 “(3) a report and recommendation of the Bu-
9 reau of Prisons, including information on whether
10 the defendant has substantially complied with the
11 rules of each institution to which the defendant has
12 been confined and whether the defendant has com-
13 pleted any educational, vocational, or other prison
14 program, where available;

15 “(4) a report and recommendation of the
16 United States attorney for any district in which an
17 offense for which the defendant is imprisoned was
18 prosecuted;

19 “(5) whether the defendant has demonstrated
20 maturity, rehabilitation, and a fitness to reenter so-
21 ciety sufficient to justify a sentence reduction;

22 “(6) any statement, which may be presented
23 orally or otherwise, by any victim of an offense for
24 which the defendant is imprisoned or by a family
25 member of the victim if the victim is deceased;

1 “(7) any report of physical, mental, or psy-
 2 chiatric examination of the defendant conducted by
 3 a licensed health care professional;

4 “(8) the family and community circumstances
 5 of the defendant at the time of the offense, including
 6 any history of abuse, trauma, or involvement in the
 7 child welfare system;

8 “(9) the extent of the role of the defendant in
 9 the offense and whether, and to what extent, an
 10 adult was involved in the offense;

11 “(10) the diminished culpability of juveniles as
 12 compared to that of adults, and the hallmark fea-
 13 tures of youth, including immaturity, impetuosity,
 14 and failure to appreciate risks and consequences,
 15 which counsel against sentencing them to the other-
 16 wise applicable term of imprisonment;

17 “(11) input from local law enforcement authori-
 18 ties regarding prior conduct and any other relevant
 19 information; and

20 “(12) any other information the court deter-
 21 mines relevant to the decision of the court.

22 “(d) LIMITATION ON APPLICATIONS PURSUANT TO
 23 THIS SECTION.—

24 “(1) SECOND APPLICATION.—Not earlier than
 25 5 years after the date on which an order entered by

1 a court on an initial application under this section
2 becomes final, a court shall entertain a second appli-
3 cation by the same defendant under this section.

4 “(2) FINAL APPLICATION.—Not earlier than 5
5 years after the date on which an order entered by
6 a court on a second application under paragraph (1)
7 becomes final, a court shall entertain a final applica-
8 tion by the same defendant under this section.

9 “(3) PROHIBITION.—A court may not entertain
10 an application filed after an application filed under
11 paragraph (2) by the same defendant.

12 “(e) PROCEDURES.—

13 “(1) NOTICE.—The Bureau of Prisons shall
14 provide written notice of this section to—

15 “(A) any defendant who has served 19
16 years in prison for an offense committed and
17 completed before the defendant attained 18
18 years of age for which the defendant was con-
19 victed as an adult; and

20 “(B) the sentencing court, the United
21 States attorney, and the Federal Public De-
22 fender or Executive Director of the Community
23 Defender Organization for the judicial district
24 in which the sentence described in subpara-
25 graph (A) was imposed.

1 “(2) CRIME VICTIMS RIGHTS.—Upon receiving
2 notice under paragraph (1), the United States attor-
3 ney shall provide any notifications required under
4 section 3771.

5 “(3) APPLICATION.—

6 “(A) IN GENERAL.—An application for a
7 sentence reduction under this section shall be
8 filed as a motion to reduce the sentence of the
9 defendant and may include affidavits or other
10 written material.

11 “(B) REQUIREMENT.—A motion to reduce
12 a sentence under this section shall be filed with
13 the sentencing court and a copy shall be served
14 on the United States attorney for the judicial
15 district in which the sentence was imposed.

16 “(4) EXPANDING THE RECORD; HEARING.—

17 “(A) EXPANDING THE RECORD.—After the
18 filing of a motion to reduce a sentence under
19 this section, the court may direct the parties to
20 expand the record by submitting additional
21 written materials relating to the motion.

22 “(B) HEARING.—

23 “(i) IN GENERAL.—The court shall
24 conduct a hearing on the motion, at which
25 the defendant and counsel for the defend-

1 ant shall be given the opportunity to be
2 heard.

3 “(ii) EVIDENCE.—In a hearing under
4 this section, the court may allow for par-
5 ties to present evidence.

6 “(iii) DEFENDANT’S PRESENCE.—At
7 a hearing under this section, the defendant
8 shall be present unless the defendant
9 waives the right to be present. The re-
10 quirement under this clause may be satis-
11 fied by the defendant appearing by video
12 teleconference.

13 “(iv) COUNSEL.—A defendant who is
14 unable to obtain counsel is entitled to have
15 counsel appointed to represent the defend-
16 ant for proceedings under this section, in-
17 cluding any appeal, unless the defendant
18 waives the right to counsel.

19 “(v) FINDINGS.—The court shall state
20 in open court, and file in writing, the rea-
21 sons for granting or denying a motion
22 under this section.

23 “(C) APPEAL.—The Government or the
24 defendant may file a notice of appeal in the dis-
25 trict court for review of a final order under this

1 section. The time limit for filing such appeal
 2 shall be governed by rule 4(a) of the Federal
 3 Rules of Appellate Procedure.

4 “(f) EDUCATIONAL AND REHABILITATIVE PRO-
 5 GRAMS.—A defendant who is convicted and sentenced as
 6 an adult for an offense committed and completed before
 7 the defendant attained 18 years of age may not be de-
 8 prived of any educational, training, or rehabilitative pro-
 9 gram that is otherwise available to the general prison pop-
 10 ulation.”.

11 (b) TABLE OF SECTIONS.—The table of sections for
 12 chapter 403 of title 18, United States Code, is amended
 13 by inserting after the item relating to section 5032 the
 14 following:

“5032A. Modification of an imposed term of imprisonment for violations of law
 committed prior to age 18.”.

15 (c) APPLICABILITY.—The amendments made by this
 16 section shall apply to any conviction entered before, on,
 17 or after the date of enactment of this Act.

18 **SEC. 108. COMPASSIONATE RELEASE INITIATIVE.**

19 Section 231(g) of the Second Chance Act of 2007 (34
 20 U.S.C. 60541(g)) is amended—

21 (1) in paragraph (1)—

22 (A) by inserting “and eligible terminally ill
 23 offenders” after “elderly offenders” each place
 24 that term appears; and

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

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

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

10 (4) in paragraph (4)—

11 (A) by inserting “or eligible terminally ill
 12 offender” after “each eligible elderly offender”;
 13 and

14 (B) by inserting “and eligible terminally ill
 15 offenders” after “eligible elderly offenders”;
 16 and

17 (5) in paragraph (5)—

18 (A) in subparagraph (A)—

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

21 (ii) in clause (ii)—

22 (I) by striking “the greater of 10
 23 years or”; and

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

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

2 “(D) ELIGIBLE TERMINALLY ILL OF-
3 FENDER.—The term ‘eligible terminally ill of-
4 fender’ means an offender in the custody of the
5 Bureau of Prisons who—

6 “(i) is serving a term of imprisonment
7 based on conviction for an offense or of-
8 fenses that do not include any crime of vio-
9 lence (as defined in section 16 of title 18,
10 United States Code), sex offense (as de-
11 fined in section 111(5) of the Sex Offender
12 Registration and Notification Act (34
13 U.S.C. 20911(5))), offense described in
14 section 2332b(g)(5)(B) of title 18, United
15 States Code, or offense under chapter 37
16 of title 18, United States Code;

17 “(ii) satisfies the criteria specified in
18 clauses (iii) through (vii) of subparagraph
19 (A); and

20 “(iii) has been determined by a med-
21 ical doctor approved by the Bureau of
22 Prisons to be—

23 “(I) in need of care at a nursing
24 home, intermediate care facility, or
25 assisted living facility, as those terms

are defined in section 232 of the National Housing Act (12 U.S.C. 1715w); or

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

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

SEC. 201. SHORT TITLE.

This title may be cited as the “Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2017”.

SEC. 202. FINDINGS.

Congress finds that—

(1) the Law Enforcement Officers Safety Act of 2004 (Public Law 108–277; 118 Stat. 865) gives certain law enforcement officers, including certain correctional officers of the Bureau of Prisons, the right to carry a concealed firearm in all 50 States for self-protection;

(2) the purpose of that Act is to allow certain law enforcement officers to protect themselves while off duty;

(3) correctional officers of the Bureau of Prisons have been the targets of assaults and murders while off duty; and

1 (4) while that Act allows certain law enforce-
 2 ment officers to protect themselves off duty, the Di-
 3 rector of the Bureau of Prisons allows correctional
 4 officers of the Bureau of Prisons to securely store
 5 personal firearms at only 33 Federal penal and cor-
 6 rectional institutions while at work.

7 **SEC. 203. SECURE FIREARMS STORAGE.**

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

11 **“§ 4050. Secure firearms storage**

12 “(a) DEFINITIONS.—In this section—

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

16 “(2) the terms ‘firearm’ and ‘qualified law en-
 17 forcement officer’ have the meanings given those
 18 terms in section 926B.

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

22 “(1)(A) provides a secure storage area located
 23 outside of the secure perimeter of the institution for
 24 employees to store firearms; or

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

4 “(2) notwithstanding any other provision of
 5 law, allows employees to carry concealed firearms on
 6 the premises outside of the secure perimeter of the
 7 institution.”.

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

“4050. Secure firearms storage.”.

12 **TITLE III—NATIONAL CRIMINAL** 13 **JUSTICE COMMISSION**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “National Criminal
 16 Justice Commission Act of 2017”.

17 **SEC. 302. FINDINGS.**

18 Congress finds that—

19 (1) it is in the interest of the Nation to estab-
 20 lish a commission to undertake a comprehensive re-
 21 view of the criminal justice system;

22 (2) there has not been a comprehensive study
 23 since the President’s Commission on Law Enforce-
 24 ment and Administration of Justice was established
 25 in 1965;

1 (3) that commission, in a span of 18 months,
 2 produced a comprehensive report entitled “The
 3 Challenge of Crime in a Free Society”, which con-
 4 tained 200 specific recommendations on all aspects
 5 of the criminal justice system involving Federal,
 6 State, tribal, and local governments, civic organiza-
 7 tions, religious institutions, business groups, and in-
 8 dividual citizens; and

9 (4) developments over the intervening 50 years
 10 require once again that Federal, State, tribal, and
 11 local governments, law enforcement agencies, includ-
 12 ing rank and file officers, civil rights organizations,
 13 community-based organization leaders, civic organi-
 14 zations, religious institutions, business groups, and
 15 individual citizens come together to review evidence
 16 and consider how to improve the criminal justice
 17 system.

18 **SEC. 303. ESTABLISHMENT OF COMMISSION.**

19 There is established a commission to be known as the
 20 “National Criminal Justice Commission” (referred to in
 21 this title as the “Commission”).

22 **SEC. 304. PURPOSE OF THE COMMISSION.**

23 The Commission shall—

24 (1) undertake a comprehensive review of the
 25 criminal justice system;

1 (2) make recommendations for Federal criminal
2 justice reform to the President and Congress; and
3 (3) disseminate findings and supplemental guid-
4 ance to the Federal Government, as well as to State,
5 local, and tribal governments.

6 **SEC. 305. REVIEW, RECOMMENDATIONS, AND REPORT.**

7 (a) GENERAL REVIEW.—The Commission shall un-
8 dertake a comprehensive review of all areas of the criminal
9 justice system, including Federal, State, local, and tribal
10 governments' criminal justice costs, practices, and policies.

11 (b) RECOMMENDATIONS.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the first meeting of the Commission, the Com-
14 mission shall submit to the President and Congress
15 recommendations for changes in Federal oversight,
16 policies, practices, and laws designed to prevent,
17 deter, and reduce crime and violence, reduce recidi-
18 vism, improve cost-effectiveness, and ensure the in-
19 terests of justice at every step of the criminal justice
20 system.

21 (2) UNANIMOUS CONSENT REQUIRED.—A rec-
22 ommendation of the Commission may be adopted
23 and submitted under paragraph (1) if the rec-
24 ommendation is approved by a unanimous vote of

1 the Commissioners at a meeting where a quorum is
2 present pursuant to section 306(d).

3 (3) REQUIREMENT.—The recommendations
4 submitted under this subsection shall be made avail-
5 able to the public.

6 (c) REPORT.—

7 (1) IN GENERAL.—Not later than 18 months
8 after the first meeting of the Commission, the Com-
9 mission shall also disseminate to the Federal Gov-
10 ernment, as well as to State, local, and tribal gov-
11 ernments, a report that details the findings and sup-
12 plemental guidance of the Commission regarding the
13 criminal justice system at all levels of government.

14 (2) MAJORITY VOTE REQUIRED.—Commission
15 findings and supplemental guidance may be adopted
16 and included in the report required under paragraph
17 (1) if the findings or guidance is approved by a ma-
18 jority vote of the Commissioners at a meeting where
19 a quorum is present pursuant to section 306(d), ex-
20 cept that any Commissioners dissenting from par-
21 ticular findings or supplemental guidance shall have
22 the right to state the reason for their dissent in
23 writing and such dissent shall be included in the re-
24 port of the Commission.

1 (3) REQUIREMENT.—The report submitted
2 under this subsection shall be made available to the
3 public.

4 (d) PRIOR COMMISSIONS.—The Commission shall
5 take into consideration the work of prior relevant commis-
6 sions in conducting its review.

7 (e) STATE AND LOCAL GOVERNMENT.—In issuing its
8 recommendations and report under this section, the Com-
9 mission shall not infringe on the legitimate rights of the
10 States to determine their own criminal laws or the enforce-
11 ment of such laws.

12 (f) PUBLIC HEARINGS.—The Commission shall con-
13 duct public hearings in various locations around the
14 United States.

15 (g) CONSULTATION WITH GOVERNMENT AND NON-
16 GOVERNMENT REPRESENTATIVES.—

17 (1) IN GENERAL.—The Commission shall—

18 (A) closely consult with Federal, State,
19 local, and tribal government and nongovern-
20 mental leaders, including State, local, and tribal
21 law enforcement officials, including rank and
22 file officers, legislators, public health officials,
23 judges, court administrators, prosecutors, de-
24 fense counsel, victims' rights organizations, pro-
25 bation and parole officials, criminal justice

1 planners, criminologists, civil rights and lib-
2 erties organizations, community-based organiza-
3 tion leaders, formerly incarcerated individuals,
4 professional organizations, and corrections offi-
5 cials; and

6 (B) include in the final report required
7 under subsection (c) summaries of the input
8 and recommendations of these leaders.

9 (2) UNITED STATES SENTENCING COMMIS-
10 SION.—To the extent the review and recommenda-
11 tions required by this section relate to sentencing
12 policies and practices for the Federal criminal jus-
13 tice system, the Commission shall conduct such re-
14 view and make such recommendations in consulta-
15 tion with the United States Sentencing Commission.

16 (h) SENSE OF CONGRESS, GOAL OF UNANIMITY.—

17 It is the sense of the Congress that, given the national
18 importance of the matters before the Commission, the
19 Commission should work toward unanimously supported
20 findings and supplemental guidance, and that unani-
21 mously supported findings and supplemental guidance
22 should take precedence over those findings and supple-
23 mental guidance that are not unanimously supported.

1 **SEC. 306. MEMBERSHIP.**

2 (a) IN GENERAL.—The Commission shall be com-
3 posed of 14 members, as follows:

4 (1) One member shall be appointed by the
5 President, who shall serve as co-chairman of the
6 Commission.

7 (2) One member shall be appointed by the lead-
8 er of the Senate, in consultation with the leader of
9 the House of Representatives, that is a member of
10 the opposite party of the President, who shall serve
11 as co-chairman of the Commission.

12 (3) Two members shall be appointed by the sen-
13 ior member of the Senate leadership of the Demo-
14 cratic Party, in consultation with the Democratic
15 leadership of the Committee on the Judiciary.

16 (4) Two members shall be appointed by the sen-
17 ior member of the Senate leadership of the Repub-
18 lican Party, in consultation with the Republican
19 leadership of the Committee on the Judiciary.

20 (5) Two members shall be appointed by the sen-
21 ior member of the leadership of the House of Rep-
22 resentatives of the Republican Party, in consultation
23 with the Republican leadership of the Committee on
24 the Judiciary.

25 (6) Two members shall be appointed by the sen-
26 ior member of the leadership of the House of Rep-

1 representatives of the Democratic Party, in consultation
 2 with the Democratic leadership of the Committee on
 3 the Judiciary.

4 (7) Two members, who shall be State and local
 5 representatives, shall be appointed by the President
 6 in agreement with the leader of the Senate (majority
 7 or minority leader, as the case may be) of the Re-
 8 publican Party and the leader of the House of Rep-
 9 resentatives (majority or minority leader, as the case
 10 may be) of the Republican Party.

11 (8) Two members, who shall be State and local
 12 representatives, shall be appointed by the President
 13 in agreement with the leader of the Senate (majority
 14 or minority leader, as the case may be) of the Demo-
 15 cratic Party and the leader of the House of Rep-
 16 resentatives (majority or minority leader, as the case
 17 may be) of the Democratic Party.

18 (b) MEMBERSHIP.—

19 (1) QUALIFICATIONS.—The individuals ap-
 20 pointed from private life as members of the Commis-
 21 sion shall be individuals with distinguished reputa-
 22 tions for integrity and nonpartisanship who are na-
 23 tionally recognized for expertise, knowledge, or expe-
 24 rience in such relevant areas as—

25 (A) law enforcement;

- 1 (B) criminal justice;
- 2 (C) national security;
- 3 (D) prison and jail administration;
- 4 (E) prisoner reentry;
- 5 (F) public health, including physical and
- 6 sexual victimization, drug addiction and mental
- 7 health;
- 8 (G) victims' rights;
- 9 (H) civil rights;
- 10 (I) civil liberties;
- 11 (J) court administration;
- 12 (K) social services; and
- 13 (L) State, local, and tribal government.

14 (2) DISQUALIFICATION.—An individual shall
 15 not be appointed as a member of the Commission if
 16 such individual possesses any personal financial in-
 17 terest in the discharge of any of the duties of the
 18 Commission.

19 (3) TERMS.—Members shall be appointed for
 20 the life of the Commission.

21 (c) APPOINTMENT; FIRST MEETING.—

22 (1) APPOINTMENT.—Members of the Commis-
 23 sion shall be appointed not later than 45 days after
 24 the date of the enactment of this Act.

1 (2) FIRST MEETING.—The Commission shall
 2 hold its first meeting on the date that is 60 days
 3 after the date of enactment of this Act, or not later
 4 than 30 days after the date on which funds are
 5 made available for the Commission, whichever is
 6 later.

7 (3) ETHICS.—At the first meeting of the Com-
 8 mission, the Commission shall draft appropriate eth-
 9 ics guidelines for commissioners and staff, including
 10 guidelines relating to conflict of interest and finan-
 11 cial disclosure. The Commission shall consult with
 12 the Senate and House Committees on the Judiciary
 13 as a part of drafting the guidelines and furnish the
 14 committees with a copy of the completed guidelines.

15 (d) MEETINGS; QUORUM; VACANCIES.—

16 (1) MEETINGS.—The Commission shall meet at
 17 the call of the co-chairs or a majority of its mem-
 18 bers.

19 (2) QUORUM.—Eight members of the Commis-
 20 sion shall constitute a quorum for purposes of con-
 21 ducting business, except that 2 members of the
 22 Commission shall constitute a quorum for purposes
 23 of receiving testimony.

24 (3) VACANCIES.—Any vacancy in the Commis-
 25 sion shall not affect its powers, but shall be filled in

1 the same manner in which the original appointment
 2 was made. If vacancies in the Commission occur on
 3 any day after 45 days after the date of the enact-
 4 ment of this Act, a quorum shall consist of a major-
 5 ity of the members of the Commission as of such
 6 day, so long as not less than 1 Commission member
 7 chosen by a member of each party, Republican and
 8 Democratic, is present.

9 (e) ACTIONS OF COMMISSION.—

10 (1) IN GENERAL.—The Commission—

11 (A) shall, subject to the requirements of
 12 section 305, act by resolution agreed to by a
 13 majority of the members of the Commission
 14 voting and present; and

15 (B) may establish panels composed of less
 16 than the full membership of the Commission for
 17 purposes of carrying out the duties of the Com-
 18 mission under this title—

19 (i) which shall be subject to the review
 20 and control of the Commission; and

21 (ii) any findings and determinations
 22 made by such a panel shall not be consid-
 23 ered the findings and determinations of the
 24 Commission unless approved by the Com-
 25 mission.

1 (2) DELEGATION.—Any member, agent, or staff
2 of the Commission may, if authorized by the co-
3 chairs of the Commission, take any action which the
4 Commission is authorized to take pursuant to this
5 title.

6 **SEC. 307. ADMINISTRATION.**

7 (a) STAFF.—

8 (1) EXECUTIVE DIRECTOR.—The Commission
9 shall have a staff headed by an Executive Director.
10 The Executive Director shall be paid at a rate estab-
11 lished for the Certified Plan pay level for the Senior
12 Executive Service under section 5382 of title 5,
13 United States Code.

14 (2) APPOINTMENT AND COMPENSATION.—The
15 co-chairs of the Commission shall designate and fix
16 the compensation of the Executive Director and, in
17 accordance with rules agreed upon by the Commis-
18 sion, may appoint and fix the compensation of such
19 other personnel as may be necessary to enable the
20 Commission to carry out its functions, without re-
21 gard to the provisions of title 5, United States Code,
22 governing appointments in the competitive service,
23 and without regard to the provisions of chapter 51
24 and subchapter III of chapter 53 of such title relat-
25 ing to classification and General Schedule pay rates,

1 except that no rate of pay fixed under this sub-
 2 section may exceed the equivalent of that payable for
 3 a position at level V of the Executive Schedule under
 4 section 5316 of title 5, United States Code.

5 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

6 (A) IN GENERAL.—The Executive Director
 7 and any personnel of the Commission who are
 8 employees shall be employees under section
 9 2105 of title 5, United States Code, for pur-
 10 poses of chapters 63, 81, 83, 84, 85, 87, 89,
 11 and 90 of that title.

12 (B) MEMBERS OF COMMISSION.—Subpara-
 13 graph (A) shall not be construed to apply to
 14 members of the Commission.

15 (4) THE COMPENSATION OF COMMISSIONERS.—

16 Each member of the Commission may be com-
 17 pensated at not to exceed the daily equivalent of the
 18 annual rate of basic pay in effect for a position at
 19 level V of the Executive Schedule under section 5315
 20 of title 5, United States Code, for each day during
 21 which that member is engaged in the actual per-
 22 formance of the duties of the Commission. All mem-
 23 bers of the Commission who are officers or employ-
 24 ees of the United States, State, or local government

1 shall serve without compensation in addition to that
2 received for their services as officers or employees.

3 (5) TRAVEL EXPENSES.—While away from
4 their homes or regular places of business in the per-
5 formance of services for the Commission, members
6 of the Commission shall be allowed travel expenses,
7 including per diem in lieu of subsistence, in the
8 same manner as persons employed intermittently in
9 the Government service are allowed expenses under
10 section 5703(b) of title 5, United States Code.

11 (b) EXPERTS AND CONSULTANTS.—With the ap-
12 proval of the Commission, the Executive Director may
13 procure temporary and intermittent services under section
14 3109(b) of title 5, United States Code.

15 (c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
16 the request of the Commission, the head of any Federal
17 agency may detail, without reimbursement, any of the per-
18 sonnel of such agency to the Commission to assist in car-
19 rying out the duties of the Commission. Any such detail
20 shall not interrupt or otherwise affect the civil service sta-
21 tus or privileges of the Federal employee.

22 (d) OTHER RESOURCES.—The Commission shall
23 have reasonable access to materials, resources, statistical
24 data, and other information such Commission determines
25 to be necessary to carry out its duties from the Library

1 of Congress, the Department of Justice, the Office of Na-
2 tional Drug Control Policy, the Department of State, and
3 other agencies of the executive and legislative branches of
4 the Federal Government. The co-chairs of the Commission
5 shall make requests for such access in writing when nec-
6 essary.

7 (e) VOLUNTEER SERVICES.—Notwithstanding the
8 provisions of section 1342 of title 31, United States Code,
9 the Commission is authorized to accept and utilize the
10 services of volunteers serving without compensation. The
11 Commission may reimburse such volunteers for local travel
12 and office supplies, and for other travel expenses, includ-
13 ing per diem in lieu of subsistence, as authorized by sec-
14 tion 5703 of title 5, United States Code. A person pro-
15 viding volunteer services to the Commission shall be con-
16 sidered an employee of the Federal Government in per-
17 formance of those services for the purposes of chapter 81
18 of title 5, United States Code, relating to compensation
19 for work-related injuries, chapter 171 of title 28, United
20 States Code, relating to tort claims, and chapter 11 of
21 title 18, United States Code, relating to conflicts of inter-
22 est.

23 (f) OBTAINING OFFICIAL DATA.—The Commission
24 may secure directly from any agency of the United States
25 information necessary to enable it to carry out this title.

1 Upon the request of the co-chairs of the Commission, the
2 head of that department or agency shall furnish that infor-
3 mation to the Commission. The Commission shall not have
4 access to sensitive information regarding ongoing inves-
5 tigations.

6 (g) **MAILS.**—The Commission may use the United
7 States mails in the same manner and under the same con-
8 ditions as other departments and agencies of the United
9 States.

10 (h) **ADMINISTRATIVE REPORTING.**—The Commission
11 shall issue biannual status reports to Congress regarding
12 the use of resources, salaries, and all expenditures of ap-
13 propriated funds.

14 (i) **CONTRACTS.**—The Commission is authorized to
15 enter into contracts with Federal and State agencies, pri-
16 vate firms, institutions, and individuals for the conduct of
17 activities necessary to the discharge of its duties and re-
18 sponsibilities. A contract, lease or other legal agreement
19 entered into by the Commission may not extend beyond
20 the date of the termination of the Commission.

21 (j) **GIFTS.**—Subject to existing law, the Commission
22 may accept, use, and dispose of gifts or donations of serv-
23 ices or property.

24 (k) **ADMINISTRATIVE ASSISTANCE.**—The Adminis-
25 trator of General Services shall provide to the Commis-

1 sion, on a reimbursable basis, the administrative support
 2 services necessary for the Commission to carry out its re-
 3 sponsibilities under this title. These administrative serv-
 4 ices may include human resource management, budget,
 5 leasing, accounting, and payroll services.

6 (l) NONAPPLICABILITY OF FACA AND PUBLIC AC-
 7 CESS TO MEETINGS AND MINUTES.—

8 (1) IN GENERAL.—The Federal Advisory Com-
 9 mittee Act (5 U.S.C. App.) shall not apply to the
 10 Commission.

11 (2) MEETINGS AND MINUTES.—

12 (A) MEETINGS.—

13 (i) ADMINISTRATION.—All meetings of
 14 the Commission shall be open to the pub-
 15 lic, except that a meeting or any portion of
 16 it may be closed to the public if it concerns
 17 matters or information described in section
 18 552b(c) of title 5, United States Code. In-
 19 terested persons shall be permitted to ap-
 20 pear at open meetings and present oral or
 21 written statements on the subject matter
 22 of the meeting. The Commission may ad-
 23 minister oaths or affirmations to any per-
 24 son appearing before it.

1 (ii) NOTICE.—All open meetings of
2 the Commission shall be preceded by time-
3 ly public notice in the Federal Register of
4 the time, place, and subject of the meeting.

5 (B) MINUTES AND PUBLIC AVAIL-
6 ABILITY.—Minutes of each open meeting shall
7 be kept and shall contain a record of the people
8 present, a description of the discussion that oc-
9 curred, and copies of all statements filed. The
10 minutes and records of all open meetings and
11 other documents that were made available to or
12 prepared for the Commission shall be available
13 for public inspection and copying at a single lo-
14 cation in the offices of the Commission.

15 (m) ARCHIVING.—Not later than the date of termi-
16 nation of the Commission, all records and papers of the
17 Commission shall be delivered to the Archivist of the
18 United States for deposit in the National Archives.

19 **SEC. 308. AUTHORIZATION FOR USE OF FUNDS.**

20 For each of fiscal years 2018 and 2019, the Attorney
21 General may use, from any unobligated balances made
22 available under the heading “GENERAL ADMINISTRA-
23 TION” to the Department of Justice in an appropriations
24 Act, such amounts as are necessary, not to exceed
25 \$7,000,000 per fiscal year and not to exceed \$14,000,000

1 total for both fiscal years, to carry out this title, except
2 that none of the funds authorized to be used to carry out
3 this title may be used for international travel.

4 **SEC. 309. SUNSET.**

5 The Commission shall terminate 60 days after the
6 Commission submits the report required under section
7 305(c) to Congress.

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