(1) the United States supports the sovereign right of the Government of Israel to defend its territory and its citizens from attacks against Israel, including by Iran or its proxies;

(2) Israel's sovereignty over the Golan Heights is critical to Israel's national security;

(3) Israel's security from attack from Syria and Lebanon cannot be assured without Israeli sovereignty over the Golan Heights;

(4) it is in the United States' national security interest to ensure Israel's security;

(5) it is in the United States' national security interest to ensure that the Assad regime faces diplomatic and geopolitical consequences for the killing of civilians, the ethnic cleansing of Syrian Sunnis, and the use of weapons of mass destruction, including by ensuring that Israel retains control of the Golan Heights; and

(6) the United States should recognize Israel's sovereignty over the Golan Heights.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4115. Mr. MCCONNELL (for Mr. WICKER (for himself and Mr. MANCHIN)) proposed an amendment to the bill S. 1520, to expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes.

SA 4116. Mr. SCOTT submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table.

SA 4117. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 3747, to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes; which was ordered to lie on the table.

SA 4118. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table.

SA 4119. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4120. Mr. TOOMEY (for himself, Mr. CRAPO, Mrs. ERNST, Mr. ENZI, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4121. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4122. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4123. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4124. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4125. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4126. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4127. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4128. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4129. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 756, supra; which was ordered to lie on the table.

SA 4130. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4131. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4132. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4133. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4134. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4135. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4136. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4137. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4138. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4139. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4140. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4109 proposed by Mr. MCCONNELL (for Mr. KENNEDY (for himself and Mr. COTTON)) to the amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4141. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4142. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4143. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4144. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4145. Mr. PETERS (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4146. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4147. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 756, supra; which was ordered to lie on the table.

SA 4148. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 756, supra; which was ordered to lie on the table.

SA 4149. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4150. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4151. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4152. Mr. BOOKER (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, supra; which was ordered to lie on the table.

SA 4153. Mr. CRAPO (for Mr. JONES) proposed an amendment to the bill S. 3191, to provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes.

SA 4154. Mr. CRAPO (for Mr. SCHATZ (for himself, Mr. THUNE, and Mr. WICKER)) proposed an amendment to the bill S. 3238, to improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems.

TEXT OF AMENDMENTS

SA 4115. Mr. MCCONNELL (for Mr. WICKER (for himself and Mr. MANCHIN)) proposed an amendment to the bill S. 1520, to expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Modernizing Recreational Fisheries Management Act of 2018''.

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

(c) REFERENCES TO THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 2. FINDINGS.

Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

''(13) While both provide significant cultural and economic benefits to the Nation, recreational fishing and commercial fishing are different activities. Therefore, science-based conservation and management approaches should be adapted to the characteristics of each sector.''.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) COUNCIL.—The term ''Council'' means any Regional Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).

(3) LIMITED ACCESS PRIVILEGE PROGRAM.—The term ''limited access privilege program'' means a program that meets the requirements of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a).

(4) MIXED-USE FISHERY.—The term ''mixed-use fishery'' means a Federal fishery in which 2 or more of the following occur:

(A) Recreational fishing.

(B) Charter fishing.

(C) Commercial fishing.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. PROCESS FOR ALLOCATION REVIEW FOR SOUTH ATLANTIC AND GULF OF MEXICO MIXED-USE FISHERIES.

(a) STUDY OF ALLOCATIONS IN MIXED-USE FISHERIES.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the appropriate committees of Congress a report on mixed-use fisheries in each applicable Council's jurisdiction, which shall include—

(1) recommendations on criteria that could be used by such Councils for allocating or reallocating fishing privileges in the preparation of a fishery management plan or plan amendment, including consideration of the ecological, conservation, economic, and social factors of each component of a mixed-use fishery;

(2) identification of the sources of information that could reasonably support the use of such criteria in allocation decisions;

(3) an assessment of the budgetary requirements for performing periodic allocation reviews for each applicable Council; and

(4) developing recommendations of procedures for allocation reviews and potential adjustments in allocation.

(b) CONSULTATION WITH STAKEHOLDERS.—The Comptroller General of the United States shall consult with the National Oceanic and Atmospheric Administration, the applicable Councils, the Science and Statistical Committees of such Councils, the applicable State fisheries management commissions, the recreational fishing sector, the commercial fishing sector, the charter fishing sector, and other stakeholders, to the extent practicable, in conducting the study required under subsection (a).

(c) DEFINITION OF APPLICABLE COUNCIL.—In this section, the term ''applicable Council'' means—

(1) the South Atlantic Fishery Management Council; or

(2) the Gulf of Mexico Fishery Management Council.

SEC. 102. FISHERY MANAGEMENT MEASURES.

(a) MANAGEMENT.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) in paragraph (7)(C), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

''(8) in addition to complying with the standards and requirements under paragraph (6), sections 301(a), 303(a)(15), and 304(e), and other applicable provisions of this Act, have the authority to use fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) in developing a fishery management plan, plan amendment, or proposed regulations, such as extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities in such fishery or fishery component; and''.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report that describes any actions pursuant to paragraph (8) of section 302(h) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(h)), as added by subsection (a).

(c) OTHER FISHERIES.—Nothing in paragraph (8) of section 302(h) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(h)), as added by subsection (a), shall be construed to affect management of any fishery not described in such paragraph (8).

SEC. 103. STUDY OF LIMITED ACCESS PRIVILEGE PROGRAMS FOR MIXED-USE FISHERIES.

(a) STUDY ON LIMITED ACCESS PRIVILEGE PROGRAMS.—Not later than 2 years after the date of enactment of this Act, the Ocean Studies Board of the National Academies of Sciences, Engineering, and Medicine shall—

(1) complete a study on the use of limited access privilege programs in mixed-use fisheries, including—

(A) an assessment of progress in meeting the goals of the program and this Act;

(B) an assessment of the social, economic, and ecological effects of the program, considering each sector of a mixed-use fishery and related businesses, coastal communities, and the environment;

(C) an assessment of any impacts to stakeholders in a mixed-use fishery caused by a limited access privilege program;

(D) recommendations of policies to address any impacts identified under subparagraph (C);

(E) identification of and recommendation of the different factors and information that should be considered when designing, establishing, or maintaining a limited access privilege program in a mixed-use fishery to mitigate any impacts identified in subparagraph (C), to the extent practicable; and

(F) a review of best practices and challenges faced in the design and implementation of limited access privilege programs under the jurisdiction of each of the 8 Regional Fishery Management Councils; and

(2) submit to the appropriate committees of Congress a report on the study under paragraph (1), including the recommendations under subparagraphs (D) and (E) of paragraph (1).

(b) EXCLUSION.—Except as provided in subsection (a)(1)(F), the study described in this section shall not include the areas covered by the Pacific Fishery Management Council and the North Pacific Fishery Management Council.

TITLE II—RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

SEC. 201. COOPERATIVE DATA COLLECTION.

(a) IMPROVING DATA COLLECTION AND ANALYSIS.—Section 404 (16 U.S.C. 1881c) is amended by adding at the end the following:

''(e) IMPROVING DATA COLLECTION AND ANALYSIS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Modernizing Recreational Fisheries Management Act of 2017, the Secretary shall develop, in consultation with the science and statistical committees of the Councils established under section 302(g) and the Marine Fisheries Commissions, and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on facilitating greater incorporation of data, analysis, stock assessments, and surveys from State agencies and nongovernmental sources described in paragraph (2), to the extent such information is consistent with section 301(a)(2), into fisheries management decisions.

''(2) CONTENT.—In developing the report under paragraph (1), the Secretary shall—

''(A) identify types of data and analysis, especially concerning recreational fishing, that can be used for purposes of this Act as the basis for establishing conservation and management measures as required by section 303(a)(1), including setting standards for the collection and use of that data and analysis in stock assessments and surveys and for other purposes;

''(B) provide specific recommendations for collecting data and performing analyses identified as necessary to reduce uncertainty in and improve the accuracy of future stock assessments, including whether such data and analysis could be provided by nongovernmental sources; and

''(C) consider the extent to which the acceptance and use of data and analyses identified in the report in fishery management decisions is practicable and compatible with the requirements of section 301(a)(2).''.

(b) NAS REPORT RECOMMENDATIONS.—The Secretary of Commerce shall take into consideration and, to the extent feasible, implement the recommendations of the National Academy of Sciences in the report entitled ''Review of the Marine Recreational Information Program (2017)'', and shall submit, every 2 years following the date of enactment of this Act, a report to the appropriate committees of Congress detailing progress made implementing those recommendations. Recommendations considered shall include—

(1) prioritizing the evaluation of electronic data collection, including smartphone applications, electronic diaries for prospective

data collection, and an internet website option for panel members or for the public;

(2) evaluating whether the design of the Marine Recreational Information Program for the purposes of stock assessment and the determination of stock management reference points is compatible with the needs of in-season management of annual catch limits; and

(3) if the Marine Recreational Information Program is incompatible with the needs of in-season management of annual catch limits, determining an alternative method for in-season management.

SEC. 202. RECREATIONAL DATA COLLECTION.

Section 401 (16 U.S.C. 1881) is amended—

(1) in subsection (g)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

''(4) FEDERAL-STATE PARTNERSHIPS.—

''(A) ESTABLISHMENT.—The Secretary shall establish a partnership with a State to develop best practices for implementing the State program established under paragraph (2).

''(B) GUIDANCE.—The Secretary shall develop guidance, in cooperation with the States, that details best practices for administering State programs pursuant to paragraph (2), and provide such guidance to the States.

''(C) BIENNIAL REPORT.—The Secretary shall submit to the appropriate committees of Congress and publish biennial reports that include—

''(i) the estimated accuracy of—

''(I) the information provided under subparagraphs (A) and (B) of paragraph (1) for each registry program established under that paragraph; and

''(II) the information from each State program that is used to assist in completing surveys or evaluating effects of conservation and management measures under paragraph (2);

''(ii) priorities for improving recreational fishing data collection; and

''(iii) an explanation of any use of information collected by such State programs and by the Secretary.

''(D) STATES GRANT PROGRAM.—

''(i) IN GENERAL.—The Secretary may make grants to States to—

''(I) improve implementation of State programs consistent with this subsection; and

''(II) assist such programs in complying with requirements related to changes in recreational data collection under paragraph (3).

''(ii) USE OF FUNDS.—Any funds awarded through such grants shall be used to support data collection, quality assurance, and outreach to entities submitting such data. The Secretary shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs.''; and

(2) by adding at the end the following:

''(h) ACTION BY SECRETARY.—The Secretary shall—

''(1) within 90 days after the date of the enactment of the Modernizing Recreational Fisheries Management Act of 2018, enter into an agreement with the National Academy of Sciences to evaluate, in the form of a report—

''(A) how the design of the Marine Recreational Information Program, for the purposes of stock assessment and the determination of stock management reference points, can be improved to better meet the needs of in-season management of annual catch limits under section 303(a)(15); and

''(B) what actions the Secretary, Councils, and States could take to improve the accuracy and timeliness of data collection and analysis to improve the Marine Recreational Information Program and facilitate in-season management; and

''(2) within 6 months after receiving the report under paragraph (1), submit to Congress recommendations regarding—

''(A) changes to be made to the Marine Recreational Information Program to make the program better meet the needs of in-season management of annual catch limits and other requirements under such section; and

''(B) alternative management approaches that could be applied to recreational fisheries for which the Marine Recreational Information Program is not meeting the needs of in-season management of annual catch limits, consistent with other requirements of this Act, until such time as the changes in subparagraph (A) are implemented.''.

TITLE III—RULE OF CONSTRUCTION

SEC. 301. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as modifying the requirements of sections 301(a), 302(h)(6), 303(a)(15), or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a), 1852(h)(6), 1853(a)(15), and 1854(e)), or the equal application of such requirements and other standards and requirements under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to commercial, charter, and recreational fisheries, including each component of mixed-use fisheries.

SA 4116. Mr. SCOTT submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—WALTER SCOTT NOTIFICATION ACT OF 2018

SEC. 701. SHORT TITLE.

This title may be cited as the ''Walter Scott Notification Act of 2018''.

SEC. 702. DEFINITIONS.

In this title—

(1) the term ''law enforcement officer'' has the meaning given the term in section 3673 of title 18, United States Code; and

(2) the term ''State'' has the meaning given the term in section 901(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251(a)).

SEC. 703. STATE INFORMATION REGARDING USE OF LETHAL FORCE BY LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—For each fiscal year in which a State receives funds for a program described in subsection (c)(1), the State shall report to the Attorney General, on an annual basis and pursuant to guidelines established by the Attorney General, information regarding any discharge of a firearm by a law enforcement officer that results in the death of a civilian.

(b) INFORMATION REQUIRED.—The report required under subsection (a) shall contain information that, at a minimum, includes—

(1) the number of decedents and the number of law enforcement officers who discharged a firearm;

(2) the age, sex, race, and ethnicity of each decedent;

(3) any mental health issue of a decedent that was observed or reported;

(4) the age, sex, race, and ethnicity of each law enforcement officer;

(5) a brief description of the event;

(6) the alleged criminal activity of each decedent prior to the use of force;

(7) whether each decedent was armed and the type of weapon the decedent had;

(8) a description of the weapon used by each law enforcement officer;

(9) a brief description of any injury sustained by a law enforcement officer;

(10) a brief description of the finding of the law enforcement agency as to whether the use of deadly force was justified or unjustified; and

(11) the case disposition, including whether—

(A) the case was cleared by departmental review or referred to a prosecuting authority;

(B) criminal charges were filed;

(C) prosecution was declined;

(D) a grand jury returned a No True Bill; or

(E) a court entered an acquittal or a conviction.

(c) COMPLIANCE.—

(1) INELIGIBILITY FOR FUNDS.—For any fiscal year beginning after the date of enactment of this Act, a State that fails to comply with subsection (a) shall be subject to a 10-percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a State for failure to comply with subsection (a) shall be reallocated under the program to States that have complied with subsection (a).

(d) PREFERENTIAL CONSIDERATION.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended by adding at the end the following:

''(n) USE OF FORCE REPORTING.—

''(1) PREFERENTIAL CONSIDERATION.—For the first fiscal year beginning after the date of enactment of this subsection and the 3 fiscal years thereafter, the Attorney General may give preferential consideration, where feasible, to an application from an applicant in a State that is in full compliance with section 703(a) of the Walter Scott Notification Act of 2018.

''(2) REDUCTION OF GRANT AMOUNTS.—Beginning in the fifth fiscal year beginning after the date of enactment of this subsection, a State that fails to comply with section 703(a) of the Walter Scott Notification Act of 2018 shall be subject to a 20-percent reduction of the funds that would otherwise be allocated for the fiscal year to the State under this part.

''(3) REALLOCATION.—Amounts not allocated under this part to a State for failure to comply with section 703(a) of the Walter Scott Notification Act of 2018 shall be reallocated to States that have complied with such section.''.

(e) INDEPENDENT AUDIT AND REVIEW.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall conduct an audit and review of the information provided under subsection (a) to determine whether each State receiving funds under section 505(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10156(a)) or under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381 et seq.) is in substantial compliance with the requirements of this section,

unless the State has otherwise ensured, to the satisfaction of the Attorney General, that the State is in substantial compliance with the requirements of this section.

(f) PUBLIC AVAILABILITY OF DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall publish, and make available to the public, a report containing the data reported to the Attorney General under subsection (a).

(2) PRIVACY PROTECTIONS.—Nothing in this subsection shall be construed to supersede the requirements or limitations under section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(g) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Director of the Federal Bureau of Investigation, shall issue guidance on best practices relating to establishing standard data collection systems that capture the information required to be reported under subsection (a), which shall include standard and consistent definitions for terms.

SA 4117. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill S. 3747, to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VII—USE OF LETHAL FORCE BY LAW ENFORCEMENT OFFICERS

SEC. 701. SHORT TITLE.

This title may be cited as the ''Walter Scott Notification Act of 2018''.

SEC. 702. DEFINITIONS.

In this title:

(1) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given the term in section 3673 of title 18, United States Code.

(2) STATE.—The term ''State'' has the meaning given the term in section 901(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251(a)).

SEC. 703. STATE INFORMATION REGARDING USE OF LETHAL FORCE BY LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—For each fiscal year in which a State receives funds for a program described in subsection (c), the State shall report to the Attorney General, on an annual basis and pursuant to guidelines established by the Attorney General, information regarding any discharge of a firearm by a law enforcement officer that resulted in the death of a civilian.

(b) INFORMATION REQUIRED.—The report required under subsection (a) shall include, for the reporting period—

(1) the number of decedents who died as a result of the discharge of a firearm by a law enforcement officer;

(2) the number of law enforcement officers, whose discharge of a firearm resulted in the death of a civilian;

(3) the age, sex, race, and ethnicity of each decedent referred to in paragraph (1);

(4) any mental health issue of such a decedent that was observed or reported;

(5) the age, sex, race, and ethnicity of each law enforcement officer referred to in paragraph (2);

(6) a brief description of each event in which the discharge of a firearm by a law enforcement officer resulted in the death of a civilian;

(7) the alleged criminal activity of each decedent immediately preceding the use of force;

(8) the number of decedents referred to in paragraph (1) who were armed, and the type of weapon that was in the possession of such decedents;

(9) a description of the weapon used by each law enforcement officer referred to in paragraph (2);

(10) a brief description of any injury sustained by a law enforcement officer in conjunction with an event referred to in paragraph (6);

(11) a brief description of the finding of the law enforcement agency regarding whether the use of deadly force was justified or unjustified; and

(12) the disposition of the case involving each law enforcement officer referred to in paragraph (2), including whether—

(A) the case was cleared by departmental review or referred to a prosecuting authority;

(B) criminal charges were filed;

(C) prosecution was declined;

(D) a grand jury returned a no true bill; or

(E) a court entered an acquittal or a conviction.

(c) COMPLIANCE.—

(1) INELIGIBILITY FOR FUNDS.—For any fiscal year beginning after the date of the enactment of this Act, a State that fails to submit the report required under subsection (a) shall be subject to a 10-percent reduction of the amounts that would otherwise be allocated to the State for that fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) REALLOCATION.—Amounts not allocated to a State in a fiscal year under a program referred to in paragraph (1) for failure to submit the report required under subsection (a) shall be reallocated under the program to States that have submitted such report for that fiscal year.

(d) PREFERENTIAL CONSIDERATION.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended by adding at the end the following:

''(l) USE OF FORCE REPORTING.—

''(1) PREFERENTIAL CONSIDERATION.—For each of the first 4 fiscal years beginning after the date of the enactment of the Walter Scott Notification Act of 2018, the Attorney General may give preferential consideration, if feasible, to an application from an applicant in a State that has submitted the report required under section 703(a) of such Act.

''(2) REDUCTION OF GRANT AMOUNTS.—Beginning in the fifth fiscal year beginning after the date of the enactment of the Walter Scott Notification Act of 2018, a State that fails to submit the report referred to in paragraph (1) shall be subject to a 20-percent reduction of the amounts that would otherwise be allocated to the State for such fiscal year under this part.

''(3) REALLOCATION.—Amounts not allocated to a State for a fiscal year under this part due to the State's failure to submit the report referred to in paragraph (1) shall be reallocated to States that have submitted such report.''.

(e) INDEPENDENT AUDIT AND REVIEW.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall conduct an audit and review of the information provided in the reports submitted under subsection (a) to determine whether each State receiving funds under section 505(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10156(a)) or part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381 et seq.) unless the State has ensured, to the satisfaction of the Attorney General, that the State is in substantial compliance with the requirements under this section.

(f) PUBLIC AVAILABILITY OF DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall publish, and make available to the public, a report containing the data reported to the Attorney General under subsection (a).

(2) PRIVACY PROTECTIONS.—Nothing in this subsection may be construed to supersede the requirements or limitations under section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(g) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, in coordination with the Director of the Federal Bureau of Investigation, shall issue guidance on best practices relating to establishing standard data collection systems that capture the information required to be reported under subsection (a), including standard and consistent definitions for terms.

SA 4118. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AGGRAVATING FACTORS FOR DEATH PENALTY.

Section 3592(c) of title 18, United States Code, is amended by inserting after paragraph (16) the following:

''(17) KILLING OR TARGETING OF LAW ENFORCEMENT OFFICER.—

''(A) The defendant killed or attempted to kill, in the circumstance described in subparagraph (B), a person who is authorized by law—

''(i) to engage in or supervise the prevention, detention, investigation, or prosecution, or the incarceration of any person for any criminal violation of law;

''(ii) to apprehend, arrest, or prosecute an individual for any criminal violation of law; or

''(iii) to be a firefighter or other first responder.

''(B) The circumstance referred to in subparagraph (A) is that the person was killed or targeted—

''(i) while he or she was engaged in the performance of his or her official duties;

''(ii) because of the performance of his or her official duties; or

''(iii) because of his or her status as a public official or employee.''.

SA 4119. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED PENALTY FOR STALKERS OF CHILDREN AND REPORT ON BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS.

(a) ENHANCED PENALTY.—

(1) IN GENERAL.—Chapter 110A of title 18, United States Code, is amended by inserting after section 2261A the following:

''§ 2261B. Enhanced penalty for stalkers of children

''If the victim of an offense under section 2261A is under the age of 18 years, the maximum imprisonment for the offense is 5 years greater than the maximum term of imprisonment otherwise provided for that offense in section 2261.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261A the following new item:

''2261B. Enhanced penalty for stalkers of children.''.

(3) CONFORMING AMENDMENT.—Section 2261A of title 18, United States Code, is amended by striking ''section 2261(b) of this title'' and inserting ''section 2261(b) or section 2262B, as the case may be''.

(b) REPORT ON BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit a report to Congress, which shall—

(1) include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and

(2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

SA 4120. Mr. TOOMEY (for himself, Mr. CRAPO, Mrs. ERNST, Mr. ENZI, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FAIRNESS FOR CRIME VICTIMS.

(a) SHORT TITLE.—This section may be cited as the ''Fairness for Crime Victims Act of 2018''.

(b) FINDINGS.—Congress finds that—

(1) the Crime Victims Fund was created in 1984, with the support of overwhelming bipartisan majorities in the House of Representatives and the Senate and the support of President Ronald Reagan, who signed the Victims of Crime Act of 1984 (Public Law 98–473) into law;

(2) the Crime Victims Fund was created based on the principle that funds the Federal Government collects from those convicted of crime should be used to aid those who have been victimized by crime;

(3) the Crime Victims Fund is funded from fines, penalties, and forfeited bonds in Federal court and private donations;

(4) the Crime Victims Fund receives no taxpayer dollars;

(5) Federal law provides that funds deposited into the Crime Victims Fund shall be used to provide services to victims of crime in accordance with the Victims of Crime Act of 1984;

(6) the Victims of Crime Act of 1984 gives priority to victims of child abuse, sexual assault, and domestic violence;

(7) since fiscal year 2000, Congress has been taking funds collected by the Crime Victims Fund and not disbursing the full amount provided for under the Victims of Crime Act of 1984;

(8) over $10,000,000,000 has been withheld from victims of child abuse, sexual assault, domestic violence, and other crimes;

(9) from fiscal year 2010 through fiscal year 2014, the Crime Victims Fund collected $12,000,000,000, but Congress disbursed only $3,600,000,000 (or 30 percent) to victims of crime;

(10) since fiscal year 2015, Congress has increased disbursals from the Crime Victims Fund to victims of crime, but a permanent solution is necessary to ensure consistent disbursals to victims of crime who rely on these funds every year;

(11) under budget rules, Congress represents that the money it has already spent in prior years is still in the Crime Victims Fund and available for victims of crime;

(12) it is time to restore fairness to crime victims; and

(13) funds collected by the Crime Victims Fund should be used for services to crime victims in accordance with the Victims of Crime Act of 1984.

(c) AMENDMENT.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''SEC. 441. POINT OF ORDER AGAINST CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

''(a) DEFINITIONS.—In this section—

''(1) the term 'CHIMP' means a provision that—

''(A) would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) (as in effect prior to September 30, 2002) if the provision was included in legislation other than an appropriation Act; and

''(B) results in a net decrease in budget authority in the current year or the budget year, but does not result in a net decrease in outlays over the period of the total of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget;

''(2) the term 'Crime Victims Fund' means the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101); and

''(3) the term '3-year average amount' means the annual average amount that was deposited into the Crime Victims Fund during the 3-fiscal-year period beginning on October 1 of the fourth fiscal year before the fiscal year to which a CHIMP affecting the Crime Victims Fund applies.

''(b) POINT OF ORDER IN THE SENATE.—

''(1) POINT OF ORDER.—

''(A) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill or joint resolution making appropriations for all or a portion of a fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, that contains a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount.

''(B) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in subparagraph (A), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

''(2) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e).

''(3) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

''(4) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this subsection may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chose and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

''(5) DETERMINATION.—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the Senate.

''(c) POINT OF ORDER IN THE HOUSE OF REPRESENTATIVES.—

''(1) IN GENERAL.—A provision in a bill or joint resolution making appropriations for a fiscal year that proposes a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount shall not be in order in the House of Representatives.

''(2) AMENDMENTS AND CONFERENCE REPORTS.—It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making appropriations for a fiscal year if such amendment thereto or conference report thereon proposes a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount.

''(3) DETERMINATION.—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the House of Representatives.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 428 the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''Sec. 441. Point of order against changes in mandatory programs affecting the Crime Victims Fund.''.

SA 4121. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 8, strike ''faith-based'' and insert ''explicitly religious''.

SA 4122. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 12, strike line 22 and all that follows through page 60, line 11, and insert the following:

''(i) Section 32, relating to destruction of aircraft or aircraft facilities.

''(ii) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(iii) Section 36, relating to drive-by shootings.

''(iv) Section 81, relating to arson within special maritime and territorial jurisdiction.

''(v) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(vi) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(vii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(viii) Section 116, relating to female genital mutilation.

''(ix) Section 117, relating to domestic assault by a habitual offender.

''(x) Any section of chapter 10, relating to biological weapons.

''(xi) Any section of chapter 11B, relating to chemical weapons.

''(xii) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(xiii) Section 521, relating to criminal street gangs.

''(xiv) Section 751, relating to prisoners in custody of an institution or officer.

''(xv) Section 793, relating to gathering, transmitting, or losing defense information.

''(xvi) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xviii) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

''(xix) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xx) Section 871, relating to threats against the President and successors to the Presidency.

''(xxi) Section 879, relating to threats against former Presidents and certain other persons.

''(xxii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xxiii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xxiv) Section 1091, relating to genocide.

''(xxv) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xxvi) Any section of chapter 55, relating to kidnapping.

''(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxviii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxix) Section 1791, relating to providing or possessing contraband in prison.

''(xxx) Section 1792, relating to mutiny and riots.

''(xxxi) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxxii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxxiii) Section 2113(e), relating to bank robbery resulting in death.

''(xxxiv) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxxv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

''(xxxvi) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxvii) Any section of chapter 109A, relating to sexual abuse.

''(xxxviii) Section 2250, relating to failure to register as a sex offender.

''(xxxix) Section 2251, relating to the sexual exploitation of children.

''(xl) Section 2251A, relating to the selling or buying of children.

''(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xlii) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xliii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xliv) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xlv) Section 2284, relating to the transportation of terrorists.

''(xlvi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlvii) Any section of chapter 113B, relating to terrorism.

''(xlviii) Section 2340A, relating to torture.

''(xlix) Section 2381, relating to treason.

''(l) Section 2442, relating to the recruitment or use of child soldiers.

''(li) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(lii) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(liii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(liv) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(lv) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(lvi) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(lvii) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lviii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable

amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(E) DEPORTABLE PRISONERS INELIGIBLE TO APPLY TIME CREDITS.—

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

''(ii) PROCEEDINGS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early as practicable during the prisoner's incarceration.

''(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

''(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

''(1) general levels of violations and resulting reductions;

''(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

''(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

''(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include—

''(1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

''(2) continuing education;

''(3) periodic training updates; and

''(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

''(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

''(h) DYSLEXIA SCREENING.—

''(1) SCREENING.—The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during—

''(A) the intake process; and

''(B) each periodic risk reassessment of a prisoner.

''(2) TREATMENT.—The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

''§ 3633. Evidence-based recidivism reduction program and recommendations

''(a) IN GENERAL.—Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall—

''(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;

''(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

''(3) identify the most effective evidence-based recidivism reduction programs;

''(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

''(5) direct the Bureau of Prisons regarding—

''(A) evidence-based recidivism reduction programs;

''(B) the ability for faith-based organizations to function as a provider of educational evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

''(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

''(b) REVIEW AND RECOMMENDATIONS REGARDING DYSLEXIA MITIGATION.—In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by—

''(1) reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

''(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

''§ 3634. Report

''Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

''(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

''(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

''(A) evidence about which programs have been shown to reduce recidivism;

''(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

''(C) identification of any gaps or shortages in capacity of such programs and activities.

''(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

''(A) The primary offense of conviction.

''(B) The length of the sentence imposed and served.

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

''(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

''(E) The prisoner's assessed and reassessed risk of recidivism.

''(F) The productive activities that the prisoner successfully completed, if any.

''(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

''(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

''(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

''(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

''(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

''(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with—

''(A) the transfer of prisoners into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

''(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

''(7) An assessment of budgetary savings resulting from this subchapter, including—

''(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

''(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

''(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other—

''(i) Federal, State, and local law enforcement activities; and

''(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

''(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter 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.

''(8) Statistics on—

''(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

''(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

''§ 3635. Definitions

''In this subchapter the following definitions apply:

''(1) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

''(2) DYSLEXIA SCREENING PROGRAM.—The term 'dyslexia screening program' means a screening program for dyslexia that is—

''(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

''(B) efficient and low-cost; and

''(C) readily available.

''(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

''(B) is designed to help prisoners succeed in their communities upon release from prison; and

''(C) may include—

''(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

''(ii) family relationship building, structured parent-child interaction, and parenting skills;

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

''(ix) faith-based classes or services;

''(x) civic engagement and reintegrative community services;

''(xi) a prison job, including through a prison work program;

''(xii) victim impact classes or other restorative justice programs; and

''(xiii) trauma counseling and trauma-informed support programs.

''(4) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

''(5) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.

''(6) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

''(A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

''(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

''(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''D. Risk and Needs Assessment ..... 3631''.

SEC. 102. IMPLEMENTATION OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

''(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

''(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

''(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

''(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

''(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

''(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

''(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

''(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

''(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

''(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

''(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

''(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

''(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

''(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.''.

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(A) in subsection (b)(1)—

(i) by striking '', beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term,'' and inserting ''of up to 54 days for each year of the prisoner's sentence imposed by the court,''; and

(ii) by striking ''credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence'' and inserting ''credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment''; and

(B) by adding at the end the following:

''(g) PRERELEASE CUSTODY OR SUPERVISED RELEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

''(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

''(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

''(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

''(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

''(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner—

''(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

''(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that—

''(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

''(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

''(cc) the prisoner is unlikely to recidivate; or

''(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

''(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

''(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

''(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

''(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

''(3) SUPERVISED RELEASE.—If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.

''(4) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

''(5) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(6) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining—

''(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

''(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

''(7) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall—

''(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

''(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

''(8) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

''(9) MENTORING, REENTRY, AND SPIRITUAL SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner.

''(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

''(11) PRERELEASE CUSTODY CAPACITY.—The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987.

SEC. 103. GAO REPORT.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General

of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621 of title 18, United States Code.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code, as added by section 101(a) of this Act.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3632(f) of title 18, United States Code, as added by section 101(a) of this Act.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody or supervised release as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $75,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 3621(h) of title 18, United States Code, as added by section 102(a) of this Act.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions in recidivism that result from this title should be reinvested—

(1) to supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials, including for the adoption of innovative technologies and information sharing capabilities;

(2) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(3) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States or to amend or affect the enforcement of the immigration laws, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in explicitly religious activities using direct financial assistance made available under this title or the amendments made by this title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, may be construed to amend any requirement under Federal law or the Constitution of the United States regarding funding for faith-based programs or activities.

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act.

(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a corrections system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

(3) 1 individual with expertise in assessing risk assessment implementation.

(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

(3) conducting research and data analysis on—

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs; and

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(4) reviewing and validating the risk and needs assessment system.

(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

(g) REPORT.—Not later than 1 year after the date of enactment of this Act and annually for each year until the Independent Review Committee terminates under this section, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a public report that includes—

SA 4123. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STRENGTHENING THE TENTH AMENDMENT THROUGH ENTRUSTING STATES.

(a) SHORT TITLE.—This section may be cited as the ''Strengthening the Tenth Amendment Through Entrusting States Act'' or the ''STATES Act''.

(b) RULE REGARDING APPLICATION TO MARIHUANA.—

(1) IN GENERAL.—Part G of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by adding at the end the following:

''RULE REGARDING APPLICATION TO MARIHUANA

''SEC. 710. (a) The provisions of this title as applied to marihuana, other than the provisions described in subsection (c) and other than as provided in subsection (d), shall not apply to any person acting in compliance with State law relating to the manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana.

''(b) The provisions of this title related to marihuana, other than the provisions described in subsection (c) and other than as provided in subsection (d), shall not apply to any person acting in compliance with the law of a Federally recognized Indian tribe within its jurisdiction in Indian Country, as defined in section 1151 of title 18, United States Code, related to the manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana so long as such jurisdiction is located within a state that permits, respectively, manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana.

''(c) The provisions described in this subsection are—

''(1) section 401(a)(1), with respect to a violation of section 409 or 418;

''(2) section 409;

''(3) section 417; and

''(4) section 418.

''(d) Subsection (a) shall not apply to any person who—

''(1) violates the Controlled Substances Act with respect to any other controlled substance;

''(2) notwithstanding compliance with State or tribal law, knowingly or intentionally manufactures, produces, possesses, distributes, dispenses, administers, or delivers any other marihuana in violation of the laws of the State or tribe in which such manufacture, production, possession, distribution, dispensation, administration, or delivery occurs; or

''(3) employs or hires any person under 18 years of age to manufacture, produce, distribute, dispense, administer, or deliver marihuana.''.

(c) TRANSPORTATION SAFETY OFFENSES.—Section 409 of the Controlled Substances Act (21 U.S.C. 849) is amended—

(1) in subsection (b), in the matter preceding paragraph (1)—

(A) by striking ''A person'' and inserting ''Except as provided in subsection (d), a person''; and

(B) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(2) in subsection (c), in the matter preceding paragraph (1)—

(A) by striking ''A person'' and inserting ''Except as provided in subsection (d), a person''; and

(B) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(3) by adding at the end the following:

''(d) EXCEPTION.—Subsections (b) and (c) shall not apply to any person who possesses, or possesses with intent to distribute marihuana in compliance with section 710.''.

(d) DISTRIBUTION TO PERSONS UNDER AGE 21.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), in the first sentence, by inserting ''and subsection (c) of this section'' after ''section 419'';

(2) in subsection (b), in the first sentence, by inserting ''and subsection(c) of this section'' after ''section 419''; and

(3) by adding at the end the following:

''(c) Subsections (a) and (b) shall not apply to any person at least 18 years of age who distributes medicinal marihuana to a person under 21 years of age in compliance with section 710.''.

(e) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Conduct in compliance with this section and the amendments made by this section—

(A) shall not be unlawful;

(B) shall not constitute trafficking in a controlled substance under section 401 of the Controlled Substances Act (21 U.S.C. 841) or any other provision of law; and

(C) shall not constitute the basis for forfeiture of property under section 511 of the Controlled Substances Act (21 U.S.C. 881) or section 981 of title 18, United States Code.

(2) PROCEEDS.—The proceeds from any transaction in compliance with this section and the amendments made by this section shall not be deemed to be the proceeds of an unlawful transaction under section 1956 or 1957 of title 18, United States Code, or any other provision of law.

SA 4124. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

In section 3621(h)(5) of title 18, United States Code (as added by section 102(a) of the amendment), strike subparagraph (C).

SA 4125. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 23 and all that follows through page 48, line 20 and insert the following:

''(I) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(II) comply with such other conditions as the Director determines appropriate.

SA 4126. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—CLEAN START ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Clean Start Act''.

SEC. 702. SEALING OF CRIMINAL RECORDS.

(a) IN GENERAL.—Chapter 229 of title 18, United States Code, as amended by section 101, is amended by adding at the end the following:

''Subchapter E—Sealing of Criminal Records

''Sec.
''3641. Definitions.
''3642. Sealing petition.
''3643. Effect of sealing order.

''§ 3641. Definitions

''In this subchapter—

''(1) the term 'covered nonviolent offense' means a Federal criminal offense that is not—

''(A) a crime of violence (as that term is defined in section 16);

''(B) a sex offense (as that term is defined in section 111 of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))));

''(C) an offense involving a victim under the age of 18 years; or

''(D) a serious drug offense (as that term is defined in section 3559(c)(2));

''(2) the term 'covered treatment program' means a substance use disorder treatment program or recovery support program that is licensed, certified, or accredited by a State or national accreditation body, including peer-driven and sober-living programs;

''(3) the term 'eligible individual' means an individual who—

''(A) has been arrested for or convicted of a qualifying offense;

''(B) in the case of a conviction described in subparagraph (A)—

''(i) has fulfilled each requirement of the sentence for the qualifying offense, including—

''(I) completing each term of imprisonment, probation, or supervised release; and

''(II) satisfying each condition of imprisonment, probation, or supervised release;

''(ii) has satisfactorily completed a covered treatment program; and

''(iii) has rendered service for a period of not less than 180 days—

''(I) as a peer mentor in a substance use disorder peer mentorship program; or

''(II) if service described in subclause (I) is not practicable, as a volunteer;

''(C) has not been convicted of more than 2 felonies that are covered nonviolent offenses, including any such convictions that have been sealed; and

''(D) has not been convicted of any felony that is not a covered nonviolent offense;

''(4) the term 'petitioner' means an individual who files a sealing petition;

''(5) the term 'protected information', with respect to a qualifying offense, means any reference to—

''(A) an arrest, conviction, or sentence of an individual for the offense;

''(B) the institution of criminal proceedings against an individual for the offense; or

''(C) the result of criminal proceedings described in subparagraph (B);

''(6) the term 'qualifying offense' means—

''(A) a covered nonviolent offense committed by an individual whose substance use disorder is a substantial contributing factor in the commission of the offense, as determined by a court reviewing a sealing petition with respect to the offense under section 3642(b)(3)(A)(i); or

''(B) in the case of an arrest for an offense that does not result in a conviction, a covered nonviolent offense with respect to which the act that would have constituted the offense is committed by an individual whose substance use disorder is a substantial contributing factor in the commission of the act, as determined by a court reviewing a sealing petition with respect to the offense under section 3642(b)(3)(A)(i);

''(7) the term 'seal'—

''(A) means—

''(i) to close a record from public viewing so that the record cannot be examined except by court order; and

''(ii) to physically seal the record shut and label the record 'SEALED' or, in the case of an electronic record, the substantive equivalent; and

''(B) has the effect described in section 3643, including—

''(i) the right to treat the offense to which a sealed record relates, and any arrest, criminal proceeding, conviction, or sentence relating to the offense, as if it never occurred; and

''(ii) protection from civil and criminal perjury, false swearing, and false statement laws with respect to a sealed record;

''(8) the term 'sealing hearing' means a hearing held under section 3642(b)(2);

''(9) the term 'sealing petition' means a petition for a sealing order filed under section 3642(a); and

''(10) the term 'substance use disorder peer mentorship program' means a peer mentorship program at a covered treatment program.

''§ 3642. Sealing petition

''(a) RIGHT TO FILE SEALING PETITION.—

''(1) DATE OF ELIGIBILITY.—

''(A) CONVICTED INDIVIDUALS.—

''(i) IN GENERAL.—On and after the date that is 3 years after the applicable date under clause (ii), an eligible individual who was convicted of a qualifying offense and has not been arrested for or convicted of a substance use-related offense since that applicable date may file a petition for a sealing order with respect to the qualifying offense in a district court of the United States.

''(ii) APPLICABLE DATE.—The applicable date—

''(I) for an eligible individual who was convicted of a qualifying offense and sentenced to a term of imprisonment, probation, or supervised release is the date on which the eligible individual has fulfilled each requirement under section 3641(3)(B)(i); and

''(II) for an eligible individual who was convicted of a qualifying offense and not sentenced to a term of imprisonment, probation, or supervised release is the date on which the case relating to the qualifying offense is disposed of.

''(iii) VIOLATION OF 3-YEAR GOOD BEHAVIOR REQUIREMENT.—

''(I) IN GENERAL.—An eligible individual who is prohibited from filing a petition for a sealing order with respect to a qualifying offense under clause (i) because the individual is arrested for or convicted of a substance use-related offense on or after the applicable date under clause (ii) may file such a petition on or after the date as of which not less than 3 years have elapsed since the last such arrest or conviction.

''(II) RULE OF CONSTRUCTION.—Nothing in subclause (I) shall be construed to allow an eligible individual to file more than 1 petition for a sealing order with respect to a particular qualifying offense.

''(B) INDIVIDUALS NOT CONVICTED.—An eligible individual who is arrested for but not convicted of a qualifying offense may file a petition for a sealing order with respect to the qualifying offense in a district court of the United States on and after the date on which the case relating to the offense is disposed of.

''(2) NOTICE OF OPPORTUNITY TO FILE PETITION.—

''(A) CONVICTED INDIVIDUALS.—

''(i) IN GENERAL.—If an individual is convicted of a covered nonviolent offense and will potentially be eligible to file a sealing petition with respect to the offense upon fulfilling each requirement under section 3641(3)(B), the court in which the individual is convicted shall, in writing, inform the individual, on each date described in clause (ii) of this subparagraph, of—

''(I) that potential eligibility;

''(II) the necessary procedures for filing the sealing petition; and

''(III) the benefits of sealing a record, including protection from civil and criminal perjury, false swearing, and false statement laws with respect to the record.

''(ii) DATES.—The dates described in this clause are—

''(I) the date on which the individual is convicted; and

''(II) the date on which the individual has fulfilled each requirement under section 3641(3)(B)(i).

''(B) INDIVIDUALS NOT CONVICTED.—

''(i) ARREST ONLY.—If an individual is arrested for a covered nonviolent offense, criminal proceedings are not instituted against the individual for the offense, and the individual is potentially eligible to file a sealing petition with respect to the offense, on the date on which the case relating to the offense is disposed of, the arresting authority shall, in writing, inform the individual of—

''(I) that potential eligibility;

''(II) the necessary procedures for filing the sealing petition; and

''(III) the benefits of sealing a record, including protection from civil and criminal perjury, false swearing, and false statement laws with respect to the record.

''(ii) COURT PROCEEDINGS.—If an individual is arrested for a covered nonviolent offense, criminal proceedings are instituted against the individual for the offense, the individual is not convicted of the offense, and the individual is potentially eligible to file a sealing petition with respect to the offense, on the date on which the case relating to the offense is disposed of, the court in which the criminal proceedings take place shall, in writing, inform the individual of—

''(I) that potential eligibility;

''(II) the necessary procedures for filing the sealing petition; and

''(III) the benefits of sealing a record, including protection from civil and criminal perjury, false swearing, and false statement laws with respect to the record.

''(b) PROCEDURES.—

''(1) NOTIFICATION TO PROSECUTOR AND OTHER INDIVIDUALS.—If an individual files a petition under subsection (a) with respect to a qualifying offense, the district court in which the petition is filed shall provide notice of the petition—

''(A) to the office of the United States attorney that prosecuted or would have prosecuted the petitioner for the offense; and

''(B) upon the request of the petitioner, to any other individual that the petitioner determines may testify as to the—

''(i) conduct of the petitioner since the date of the offense or arrest; or

''(ii) reasons that the sealing order should be entered.

''(2) HEARING.—

''(A) IN GENERAL.—Not later than 180 days after the date on which an individual files a sealing petition, the district court shall—

''(i) except as provided in subparagraph (D), conduct a hearing in accordance with subparagraph (B); and

''(ii) determine whether to enter a sealing order for the individual in accordance with paragraph (3).

''(B) OPPORTUNITY TO TESTIFY AND OFFER EVIDENCE.—

''(i) PETITIONER.—The petitioner may testify or offer evidence at the sealing hearing in support of sealing, including evidence of ongoing sobriety.

''(ii) PROSECUTOR.—The office of a United States attorney that receives notice under paragraph (1)(A) may send a representative to testify or offer evidence at the sealing hearing in support of or against sealing.

''(iii) OTHER INDIVIDUALS.—An individual who receives notice under paragraph (1)(B) may testify or offer evidence at the sealing hearing as to the issues described in clauses (i) and (ii) of that paragraph.

''(C) MAGISTRATE JUDGES.—A magistrate judge may preside over a hearing under this paragraph.

''(D) WAIVER OF HEARING.—If the petitioner and the United States attorney that receives notice under paragraph (1)(A) so agree, the court shall make a determination under paragraph (3) without a hearing.

''(3) BASIS FOR DECISION.—

''(A) IN GENERAL.—In determining whether to enter a sealing order with respect to protected information relating to a covered nonviolent offense, the court shall—

''(i) determine whether the offense is a qualifying offense based on evidence that the petitioner suffered from an active substance use disorder at the time of the commission of the offense;

''(ii) consider—

''(I) the petition and any documents in the possession of the court; and

''(II) all the evidence and testimony presented at the sealing hearing, if such a hearing is conducted; and

''(iii) balance—

''(I)(aa) the interest of public knowledge and safety; and

''(bb) the legitimate interest, if any, of the Government in maintaining the accessibility of the protected information, including any potential impact of sealing the protected information on Federal licensure, permit, or employment restrictions; against

''(II)(aa) the conduct and demonstrated desire of the petitioner to be rehabilitated and positively contribute to the community; and

''(bb) the interest of the petitioner in having the protected information sealed, including the harm of the protected information to the ability of the petitioner to secure and maintain employment.

''(B) BURDEN ON GOVERNMENT.—The burden shall be on the Government to show that the interests under subclause (I) of subparagraph (A)(iii) outweigh the interests of the petitioner under subclause (II) of that subparagraph.

''(C) REASONING.—The court shall provide the petitioner and the Government with a written decision explaining the reasons for the determination made under subparagraph (A).

''(4) APPEAL.—A denial of a sealing petition by a district court under this section shall be subject to review by a court of appeals in accordance with section 1291 of title 28.

''(5) UNIVERSAL FORM.—The Director of the Administrative Office of the United States Courts shall create a universal form, available over the Internet and in paper form, that an individual may use to file a sealing petition.

''(6) FEE WAIVER.—The Director of the Administrative Office of the United States Courts shall by regulation establish a minimally burdensome process under which indigent petitioners may obtain a waiver of any fee for filing a sealing petition.

''(7) REPORTING.—Not later than 2 years after the date of enactment of this subchapter, and each year thereafter, each district court of the United States shall publish and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

''(A) describes—

''(i) the number of sealing petitions granted and denied under this section;

''(ii) the number of instances in which the office of a United States attorney supported or opposed a sealing petition; and

''(iii) the number and amount of fees assessed and waived under this section;

''(B) includes any supporting data that—

''(i) the court determines relevant; and

''(ii) does not name any petitioner; and

''(C) disaggregates all relevant data by race, ethnicity, gender, and the nature of the offense.

''(8) PUBLIC DEFENDER ELIGIBILITY.—

''(A) IN GENERAL.—The district court may, in its discretion, appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent a petitioner for purposes of this section.

''(B) CONSIDERATIONS.—In making a determination whether to appoint counsel under subparagraph (A), the court shall consider—

''(i) the anticipated complexity of the sealing hearing, including the number and type of witnesses called to advocate against the sealing of the protected information of the petitioner; and

''(ii) the potential for adverse testimony by a victim or a representative of the office of the United States attorney.

''§ 3643. Effect of sealing order

''(a) IN GENERAL.—Except as provided in this section, if a district court of the United States enters a sealing order with respect to a qualifying offense, the offense and any arrest, criminal proceeding, conviction, or sentence relating to the offense shall be treated as if it never occurred.

''(b) VERIFICATION OF SEALING.—If a district court of the United States enters a sealing order with respect to a qualifying offense, the court shall—

''(1) send a copy of the sealing order to each entity or person known to the court that possesses a record containing protected information that relates to the offense, including each—

''(A) law enforcement agency; and

''(B) public or private correctional or detention facility;

''(2) in the sealing order, require each entity or person described in paragraph (1) to—

''(A) seal the record in accordance with this section; and

''(B) submit a written certification to the court, under penalty of perjury, that the entity or person has sealed each paper and electronic copy of the record;

''(3) seal each paper and electronic copy of the record in the possession of the court; and

''(4) after receiving a written certification from each entity or person under paragraph (2)(B), notify the petitioner that each entity or person described in paragraph (1) has sealed each paper and electronic copy of the record.

''(c) PROTECTION FROM PERJURY LAWS.—Except as provided in subsection (f)(3)(A), a petitioner with respect to whom a sealing order has been entered for a qualifying offense shall not be subject to prosecution under any civil or criminal provision of Federal or State law relating to perjury, false swearing, or making a false statement, including section 1001, 1621, 1622, or 1623, for failing to recite or acknowledge any protected information with respect to the offense or respond to any inquiry made of the petitioner, relating to the protected information, for any purpose.

''(d) ATTORNEY GENERAL NONPUBLIC RECORDS.—The Attorney General—

''(1) shall maintain a nonpublic record of all protected information that has been sealed under this subchapter; and

''(2) may access or utilize protected information only—

''(A) for legitimate investigative purposes;

''(B) in defense of any civil suit arising out of the facts of the arrest or subsequent proceedings; or

''(C) if the Attorney General determines that disclosure is necessary to serve the interests of justice, public safety, or national security.

''(e) LAW ENFORCEMENT ACCESS.—A Federal or State law enforcement agency may access a record that is sealed under this subchapter solely—

''(1) to determine whether the individual to whom the record relates is eligible for a first-time-offender diversion program;

''(2) for investigatory, prosecutorial, or Federal supervision purposes; or

''(3) for a background check that relates to law enforcement employment or any employment that requires a government security clearance.

''(f) PROHIBITION ON DISCLOSURE.—

''(1) PROHIBITION.—Except as provided in paragraph (3), it shall be unlawful to intentionally make or attempt to make an unauthorized disclosure of any protected information from a record that has been sealed under this subchapter.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(3) EXCEPTIONS.—

''(A) BACKGROUND CHECKS.—An individual who is the subject of a record sealed under this subchapter shall, and a Federal or State law enforcement agency that possesses such a record may, disclose the record in the case of a background check for—

''(i) law enforcement employment; or

''(ii) any position that a Federal agency designates as a—

''(I) national security position; or

''(II) high-risk, public trust position.

''(B) DISCLOSURE TO ARMED FORCES.—A person may disclose protected information from a record sealed under this subchapter to the Secretaries of the military departments (or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) for the purpose of vetting an enlistment or commission, or with regard to any member of the Armed Forces.

''(C) CRIMINAL AND JUVENILE PROCEEDINGS.—A prosecutor may disclose protected information from a record sealed under this subchapter if the information pertains to a potential witness in a Federal or State—

''(i) criminal proceeding; or

''(ii) juvenile delinquency proceeding.

''(D) AUTHORIZATION FOR INDIVIDUAL TO DISCLOSE OWN RECORD.—An individual who is the subject of a record sealed under this subchapter may choose to disclose the record.''.

(b) APPLICABILITY.—The right to file a sealing petition under section 3642(a) of title 18, United States Code, as added by subsection (a), shall apply with respect to a qualifying offense (as defined in section 3641(a) of such title) that is committed or alleged to have been committed before, on, or after the date of enactment of this Act.

(c) TRANSITION PERIOD FOR HEARINGS DEADLINE.—During the 1-year period beginning on the date of enactment of this Act, section 3642(b)(2)(A) of title 18, United States Code, as added by subsection (a), shall be applied by substituting ''1 year'' for ''180 days''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, as amended by section 101, is amended by adding at the end the following:

''E. Sealing of Criminal Records ..... 3641''.

SEC. 703. STATE INCENTIVES.

(a) COPS GRANTS PRIORITY.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking ''or'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(4) subject to subsection (l), from an applicant in a State that has in effect—

''(A) a law relating to the sealing of adult records that is substantially similar to, or more generous to the former offender than, the amendments made by section 702 of the Clean Start Act; or

''(B) a law that allows an individual who has successfully sealed a criminal record to be free from civil and criminal perjury laws.''; and

(2) by adding at the end the following:

''(l) DEGREE OF PRIORITY RELATING TO SEALING LAWS COMMENSURATE WITH DEGREE OF COMPLIANCE.—If the Attorney General, in awarding grants under this part, gives preferential consideration to any application as authorized under subsection (c)(4), the Attorney General shall base the degree of preferential consideration given to an application from an applicant in a particular State on the number of subparagraphs under subsection (c)(4) that the State has satisfied, relative to the number of such subparagraphs that each other State has satisfied.''.

(b) ATTORNEY GENERAL GUIDELINES AND TECHNICAL ASSISTANCE.—The Attorney General shall issue guidelines and provide technical assistance to assist States in complying with the incentive under section 1701(c)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381(c)(2)), as added by subsection (a).

SA 4127. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—DEMOCRACY RESTORATION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Democracy Restoration Act of 2018''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship. Regaining the right to vote reintegrates individuals with criminal convictions into free society, helping to enhance public safety.

(2) Article I, section 4, of the Constitution grants Congress ultimate supervisory power over Federal elections, an authority which has repeatedly been upheld by the United States Supreme Court.

(3) Basic constitutional principles of fairness and equal protection require an equal opportunity for citizens of the United States to vote in Federal elections. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. The 13th, 14th, 15th, 19th, 24th, and 26th Amendments to the Constitution empower Congress to enact measures to protect the right to vote in Federal elections. The 8th Amendment to the Constitution provides for no excessive bail to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(4) There are 3 areas where discrepancies in State laws regarding criminal convictions lead to unfairness in Federal elections—

(A) the lack of a uniform standard for voting in Federal elections leads to an unfair disparity and unequal participation in Federal elections based solely on where a person lives;

(B) laws governing the restoration of voting rights after a criminal conviction vary throughout the country and persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently; and

(C) State disenfranchisement laws disproportionately impact racial and ethnic minorities.

(5) Two States do not disenfranchise individuals with criminal convictions at all (Maine and Vermont), but 48 States and the District of Columbia have laws that deny convicted individuals the right to vote while they are in prison.

(6) In some States disenfranchisement results from varying State laws that restrict voting while individuals are under the supervision of the criminal justice system or after they have completed a criminal sentence. In 34 States, convicted individuals may not vote while they are on parole and 30 of those

States disenfranchise individuals on felony probation as well. In 10 States, a conviction can result in lifetime disenfranchisement.

(7) Several States deny the right to vote to individuals convicted of certain misdemeanors.

(8) An estimated 6,100,000 citizens of the United States, or about 1 in 40 adults in the United States, currently cannot vote as a result of a felony conviction. Of the 6,100,000 citizens barred from voting, only approximately 22 percent are in prison. By contrast, roughly 77 percent of the disenfranchised reside in their communities while on probation or parole or after having completed their sentences. Approximately 3,100,000 citizens who have completed their sentences remain disenfranchised due to restrictive State laws. In six States—Alabama, Florida, Kentucky, Mississippi, Tennessee, and Virginia—more than 7 percent of the total population is disenfranchised.

(9) In those States that disenfranchise individuals post-sentence, the right to vote can be regained in theory, but in practice this possibility is often granted in a non-uniform and potentially discriminatory manner. Disenfranchised individuals must either obtain a pardon or an order from the Governor or an action by the parole or pardon board, depending on the offense and State. Individuals convicted of a Federal offense often have additional barriers to regaining voting rights.

(10) State disenfranchisement laws disproportionately impact racial and ethnic minorities. More than 7 percent of the voting-age African-American population, or 2,200,000 African-Americans, are disenfranchised. Currently, 1 of every 13 African-Americans are rendered unable to vote because of felony disenfranchisement, which is a rate more than 4 times greater than non-African-Americans. 7.4 percent of African-Americans are disenfranchised whereas only 1.8 percent of non-African-Americans are. As of 2016, in 4 States—Florida (23 percent), Kentucky (22 percent), Tennessee (21 percent), and Virginia (20 percent)—more than 1 in 5 African-Americans were unable to vote because of prior convictions.

(11) Latino citizens are disproportionately disenfranchised based upon their disproportionate representation in the criminal justice system. If current incarceration trends hold, 17 percent of Latino men will be incarcerated during their lifetimes, in contrast to less than 6 percent of non-Latino White men. When analyzing the data across 10 States, Latinos generally have disproportionately higher rates of disenfranchisement compared to their presence in the voting age population. In 6 out of 10 States studied in 2003, Latinos constitute more than 10 percent of the total number of persons disenfranchised by State felony laws. In 4 States (California, 37 percent; New York, 34 percent; Texas, 30 percent; and Arizona, 27 percent), Latinos were disenfranchised by a rate of more than 25 percent.

(12) Disenfranchising citizens who have been convicted of a criminal offense and who are living and working in the community serves no compelling State interest and hinders their rehabilitation and reintegration into society.

(13) State disenfranchisement laws can suppress electoral participation among eligible voters by discouraging voting among family and community members of disenfranchised persons. Future electoral participation by the children of disenfranchised parents may be impacted as well.

(14) The United States is the only Western democracy that permits the permanent denial of voting rights for individuals with felony convictions.

SEC. 703. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless such individual is serving a felony sentence in a correctional institution or facility at the time of the election.

SEC. 704. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may, in a civil action, obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) RELIEF.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

(3) EXCEPTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action to obtain declaratory or injunctive relief with respect to the violation.

SEC. 705. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

(a) STATE NOTIFICATION.—

(1) NOTIFICATION.—On the date determined under paragraph (2), each State shall notify in writing any individual who has been convicted of a criminal offense under the law of that State that such individual has the right to vote in an election for Federal office pursuant to the Democracy Restoration Act of 2018 and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given on the date on which the individual—

(i) is sentenced to serve only a term of probation; or

(ii) is released from the custody of that State (other than to the custody of another State or the Federal Government to serve a term of imprisonment for a felony conviction).

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a State court.

(b) FEDERAL NOTIFICATION.—

(1) NOTIFICATION.—Any individual who has been convicted of a criminal offense under Federal law shall be notified in accordance with paragraph (2) that such individual has the right to vote in an election for Federal office pursuant to the Democracy Restoration Act of 2018 and may register to vote in any such election.

(2) DATE OF NOTIFICATION.—

(A) FELONY CONVICTION.—In the case of such an individual who has been convicted of a felony, the notification required under paragraph (1) shall be given—

(i) in the case of an individual who is sentenced to serve only a term of probation, by the Assistant Director for the Office of Probation and Pretrial Services of the Administrative Office of the United States Courts on the date on which the individual is sentenced; or

(ii) in the case of any individual committed to the custody of the Bureau of Prisons, by the Director of the Bureau of Prisons, during the period beginning on the date that is 6 months before such individual is released and ending on the date such individual is released from the custody of the Bureau of Prisons.

(B) MISDEMEANOR CONVICTION.—In the case of such an individual who has been convicted of a misdemeanor, the notification required under paragraph (1) shall be given on the date on which such individual is sentenced by a court established by an Act of Congress.

SEC. 706. DEFINITIONS.

For purposes of this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President of the United States, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(4) PROBATION.—The term ''probation'' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 707. RELATION TO OTHER LAWS.

(a) STATE LAWS RELATING TO VOTING RIGHTS.—Nothing in this title shall be construed to prohibit the States from enacting any State law which affords the right to vote in any election for Federal office on terms less restrictive than those established by this title.

(b) CERTAIN FEDERAL ACTS.—The rights and remedies established by this title are in addition to all other rights and remedies provided by law, and neither rights and remedies established by this title shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) or the National Voter Registration Act (52 U.S.C. 20501).

SEC. 708. FEDERAL PRISON FUNDS.

No State, unit of local government, or other person may receive or use, to construct or otherwise improve a prison, jail, or other place of incarceration, any Federal funds unless that State, unit of local government, or person—

(1) is in compliance with section 703; and

(2) has in effect a program under which each individual incarcerated in that person's jurisdiction who is a citizen of the United States is notified, upon release from such incarceration, of that individual's rights under section 703.

SEC. 709. EFFECTIVE DATE.

This title shall apply to citizens of the United States voting in any election for Federal office held after the date of the enactment of this title.

SA 4128. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—PRIVATE PRISON INFORMATION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Private Prison Information Act of 2018''.

SEC. 702. DEFINITIONS.

In this title—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code;

(2) the term ''applicable entity'' means—

(A) a nongovernmental entity contracting with, or receiving funds directly or indirectly from, a covered agency to incarcerate or detain Federal prisoners or detainees in a non-Federal prison, correctional, or detention facility; or

(B) a State or local governmental entity with an intergovernmental agreement with a covered agency to incarcerate or detain Federal prisoners or detainees in a non-Federal prison, correctional, or detention facility;

(3) the term ''covered agency'' means an agency that contracts with, or provides funds to, an applicable entity to incarcerate or detain Federal prisoners or detainees in a non-Federal prison, correctional, or detention facility; and

(4) the term ''non-Federal prison, correctional, or detention facility'' means—

(A) a privately owned or privately operated prison, correctional, or detention facility; or

(B) a State or local prison, jail, or other correctional or detention facility.

SEC. 703. FREEDOM OF INFORMATION ACT APPLICABLE FOR CONTRACT PRISONS.

(a) IN GENERAL.—A record relating to a non-Federal prison, correctional, or detention facility shall be—

(1) considered an agency record for purposes of section 552(f)(2) of title 5, United States Code, whether in the possession of an applicable entity or a covered agency; and

(2) subject to section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), to the same extent as if the record was maintained by an agency operating a Federal prison, correctional, or detention facility.

(b) WITHHOLDING OF INFORMATION.—A covered agency may not withhold information that would otherwise be required to be disclosed under subsection (a) unless—

(1) the covered agency, based on the independent assessment of the covered agency, reasonably foresees that disclosure of the information would cause specific identifiable harm to an interest protected by an exemption from disclosure under section 552(b) of title 5, United States Code; or

(2) disclosure of the information is prohibited by law.

(c) FORMAT OF RECORDS.—An applicable entity shall maintain records relating to a non-Federal prison, correctional, or detention facility in formats that are readily reproducible and reasonably searchable by the covered agency that contracts with or provides funds to the applicable entity to incarcerate or detain Federal prisoners or detainees in the non-Federal prison, correctional, or detention facility.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, a covered agency shall promulgate regulations or guidance to ensure compliance with this section by the covered agency and an applicable entity that the covered agency contracts with or provides funds to incarcerate or detain Federal prisoners or detainees in a non-Federal prison, correctional, or detention facility.

(2) COMPLIANCE BY APPLICABLE ENTITIES.—

(A) IN GENERAL.—Compliance with this section by an applicable entity shall be included as a material term in any contract, agreement, or renewal of a contract or agreement with the applicable entity regarding the incarceration or detention of Federal prisoners or detainees in a non-Federal prison, correctional, or detention facility.

(B) MODIFICATION OF CONTRACT OR AGREEMENT.—Not later than 1 year after the date of enactment of this Act, a covered agency shall secure a modification to include compliance with this section by an applicable entity as a material term in any contract or agreement described under subparagraph (A) that will not otherwise be renegotiated, renewed, or modified before the date that is 1 year after the date of enactment of this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit or reduce the scope of State or local open records laws.

SA 4129. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''First Step Act of 2018''.

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

TITLE I—RECIDIVISM REDUCTION

SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Chapter 229 of title 18, United States Code, is amended by inserting after subchapter C the following:

''SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

''§ 3631. Duties of the Attorney General

''(a) IN GENERAL.—The Attorney General shall carry out this subchapter in consultation with—

''(1) the Director of the Bureau of Prisons;

''(2) the Director of the Administrative Office of the United States Courts;

''(3) the Director of the Office of Probation and Pretrial Services;

''(4) the Director of the National Institute of Justice;

''(5) the Director of the National Institute of Corrections; and

''(6) the Independent Review Committee authorized by the First Step Act of 2018.

''(b) DUTIES.—The Attorney General shall—

''(1) conduct a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this subchapter;

''(2) develop recommendations regarding evidence-based recidivism reduction programs and productive activities in accordance with section 3633;

''(3) conduct ongoing research and data analysis on—

''(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

''(B) the most effective and efficient uses of such programs;

''(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

''(D) products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States;

''(4) on an annual basis, review, validate, and release publicly on the Department of Justice website the risk and needs assessment system, which review shall include—

''(A) any subsequent changes to the risk and needs assessment system made after the date of enactment of this subchapter;

''(B) the recommendations developed under paragraph (2), using the research conducted under paragraph (3);

''(C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;

''(D) statistical validation of any tools that the risk and needs assessment system uses; and

''(E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates;

''(5) make any revisions or updates to the risk and needs assessment system that the Attorney General determines appropriate pursuant to the review under paragraph (4), including updates to ensure that any disparities identified in paragraph (4)(E) are reduced to the greatest extent possible; and

''(6) report to Congress in accordance with section 3634.

''§ 3632. Development of risk and needs assessment system

''(a) IN GENERAL.—Not later than 210 days after the date of enactment of this subchapter, the Attorney General, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, shall develop and release publicly on the Department of Justice website a risk and needs assessment system (referred to in this subchapter as the 'System'), which shall be used to—

''(1) determine the recidivism risk of each prisoner as part of the intake process, and classify each prisoner as having minimum, low, medium, or high risk for recidivism;

''(2) assess and determine, to the extent practicable, the risk of violent or serious misconduct of each prisoner;

''(3) determine the type and amount of evidence-based recidivism reduction programming that is appropriate for each prisoner and assign each prisoner to such programming accordingly, and based on the prisoner's specific criminogenic needs, and in accordance with subsection (b);

''(4) reassess the recidivism risk of each prisoner periodically, based on factors including indicators of progress, and of regression, that are dynamic and that can reasonably be expected to change while in prison;

''(5) reassign the prisoner to appropriate evidence-based recidivism reduction programs or productive activities based on the revised determination to ensure that—

''(A) all prisoners at each risk level have a meaningful opportunity to reduce their classification during the period of incarceration;

''(B) to address the specific criminogenic needs of the prisoner; and

''(C) all prisoners are able to successfully participate in such programs;

''(6) determine when to provide incentives and rewards for successful participation in evidence-based recidivism reduction programs or productive activities in accordance with subsection (e);

''(7) determine when a prisoner is ready to transfer into prerelease custody or supervised release in accordance with section 3624; and

''(8) determine the appropriate use of audio technology for program course materials with an understanding of dyslexia.

In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate.

''(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS.—The System shall provide guidance on the type, amount, and intensity of evidence-based recidivism reduction programming and productive activities that shall be assigned for each prisoner, including—

''(1) programs in which the Bureau of Prisons shall assign the prisoner to participate, according to the prisoner's specific criminogenic needs; and

''(2) information on the best ways that the Bureau of Prisons can tailor the programs to the specific criminogenic needs of each prisoner so as to most effectively lower each prisoner's risk of recidivism.

''(c) HOUSING AND ASSIGNMENT DECISIONS.—The System shall provide guidance on program grouping and housing assignment determinations and, after accounting for the safety of each prisoner and other individuals at the prison, provide that prisoners with a similar risk level be grouped together in housing and assignment decisions to the extent practicable.

''(d) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES REWARDS.—The System shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

''(1) PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive—

''(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

''(B) additional time for visitation at the prison, as determined by the warden of the prison.

''(2) TRANSFER TO INSTITUTION CLOSER TO RELEASE RESIDENCE.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to—

''(A) bed availability at the transfer facility;

''(B) the prisoner's security designation; and

''(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request.

''(3) ADDITIONAL POLICIES.—The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming. The incentives shall include not less than 2 of the following:

''(A) Increased commissary spending limits and product offerings.

''(B) Extended opportunities to access the email system.

''(C) Consideration of transfer to preferred housing units (including transfer to different prison facilities).

''(D) Other incentives solicited from prisoners and determined appropriate by the Director.

''(4) TIME CREDITS.—

''(A) IN GENERAL.—A prisoner, except for an ineligible prisoner under subparagraph (D), who successfully completes evidence-based recidivism reduction programming or productive activities, shall earn time credits as follows:

''(i) A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(B) AVAILABILITY.—A prisoner may not earn time credits under this paragraph for an evidence-based recidivism reduction program that the prisoner successfully completed—

''(i) prior to the date of enactment of this subchapter; or

''(ii) during official detention prior to the date that the prisoner's sentence commences under section 3585(a).

''(C) APPLICATION OF TIME CREDITS TOWARD PRERELEASE CUSTODY OR SUPERVISED RELEASE.—Time credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities shall be applied toward time in prerelease custody or supervised release. The Director of the Bureau of Prisons shall transfer eligible prisoners, as determined under section 3624(g), into prerelease custody or supervised release.

''(D) INELIGIBLE PRISONERS.—A prisoner is ineligible to receive time credits under this paragraph if the prisoner is serving a sentence for a conviction under any of the following provisions of law:

''(i) Section 81, relating to arson within special maritime and territorial jurisdiction.

''(ii) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(iii) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(iv) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(v) Section 116, relating to female genital mutilation.

''(vi) Section 117, relating to domestic assault by a habitual offender.

''(vii) Any section of chapter 10, relating to biological weapons.

''(viii) Any section of chapter 11B, relating to chemical weapons.

''(ix) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(x) Section 521, relating to criminal street gangs.

''(xi) Section 751, relating to prisoners in custody of an institution or officer.

''(xii) Section 793, relating to gathering, transmitting, or losing defense information.

''(xiii) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xiv) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xv) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

''(xvi) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xvii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xviii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xix) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xx) Any section of chapter 55, relating to kidnapping.

''(xxi) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxiii) Section 1791, relating to providing or possessing contraband in prison.

''(xxiv) Section 1792, relating to mutiny and riots.

''(xxv) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxvi) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxvii) Section 2113(e), relating to bank robbery resulting in death.

''(xxviii) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxix) Paragraph (2) or (3) of section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking') that results in serious bodily injury or death.

''(xxx) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxi) Any section of chapter 109A, relating to sexual abuse.

''(xxxii) Section 2250, relating to failure to register as a sex offender.

''(xxxiii) Section 2251, relating to the sexual exploitation of children.

''(xxxiv) Section 2251A, relating to the selling or buying of children.

''(xxxv) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xxxvi) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xxxvii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xxxviii) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xxxix) Section 2284, relating to the transportation of terrorists.

''(xl) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xli) Any section of chapter 113B, relating to terrorism.

''(xlii) Section 2340A, relating to torture.

''(xliii) Section 2381, relating to treason.

''(xliv) Section 2442, relating to the recruitment or use of child soldiers.

''(xlv) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(xlvi) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(xlvii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(xlviii) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(xlix) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(l) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(li) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(liii) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(liv) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lv) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lvi) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lvii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lviii) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lix) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lx) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxi) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(E) DEPORTABLE PRISONERS INELIGIBLE TO APPLY TIME CREDITS.—

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

''(ii) PROCEEDINGS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early

as practicable during the prisoner's incarceration.

''(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

''(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

''(1) general levels of violations and resulting reductions;

''(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

''(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

''(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include—

''(1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

''(2) continuing education;

''(3) periodic training updates; and

''(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

''(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

''(h) DYSLEXIA SCREENING.—

''(1) SCREENING.—The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during—

''(A) the intake process; and

''(B) each periodic risk reassessment of a prisoner.

''(2) TREATMENT.—The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

''§ 3633. Evidence-based recidivism reduction program and recommendations

''(a) IN GENERAL.—Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall—

''(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;

''(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

''(3) identify the most effective evidence-based recidivism reduction programs;

''(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

''(5) direct the Bureau of Prisons regarding—

''(A) evidence-based recidivism reduction programs;

''(B) the ability for faith-based organizations to function as a provider of educational evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

''(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

''(b) REVIEW AND RECOMMENDATIONS REGARDING DYSLEXIA MITIGATION.—In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by—

''(1) reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

''(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

''§ 3634. Report

''Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

''(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

''(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

''(A) evidence about which programs have been shown to reduce recidivism;

''(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

''(C) identification of any gaps or shortages in capacity of such programs and activities.

''(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

''(A) The primary offense of conviction.

''(B) The length of the sentence imposed and served.

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

''(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

''(E) The prisoner's assessed and reassessed risk of recidivism.

''(F) The productive activities that the prisoner successfully completed, if any.

''(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

''(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

''(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

''(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

''(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

''(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with—

''(A) the transfer of prisoners into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

''(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

''(7) An assessment of budgetary savings resulting from this subchapter, including—

''(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

''(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

''(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other—

''(i) Federal, State, and local law enforcement activities; and

''(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

''(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter 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.

''(8) Statistics on—

''(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

''(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

''§ 3635. Definitions

''In this subchapter the following definitions apply:

''(1) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

''(2) DYSLEXIA SCREENING PROGRAM.—The term 'dyslexia screening program' means a screening program for dyslexia that is—

''(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

''(B) efficient and low-cost; and

''(C) readily available.

''(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

''(B) is designed to help prisoners succeed in their communities upon release from prison; and

''(C) may include—

''(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

''(ii) family relationship building, structured parent-child interaction, and parenting skills;

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

''(ix) faith-based classes or services;

''(x) civic engagement and reintegrative community services;

''(xi) a prison job, including through a prison work program;

''(xii) victim impact classes or other restorative justice programs; and

''(xiii) trauma counseling and trauma-informed support programs.

''(4) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

''(5) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.

''(6) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

''(A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

''(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

''(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''D. Risk and Needs Assessment ..... 3631''.

SEC. 102. IMPLEMENTATION OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

''(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

''(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

''(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

''(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

''(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

''(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

''(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

''(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

''(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

''(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

''(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

''(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

''(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

''(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.''.

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(A) in subsection (b)(1)—

(i) by striking '', beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term,'' and inserting ''of up to 54 days for each year of the prisoner's sentence imposed by the court,''; and

(ii) by striking ''credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence'' and inserting ''credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment''; and

(B) by adding at the end the following:

''(g) PRERELEASE CUSTODY OR SUPERVISED RELEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

''(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

''(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

''(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

''(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

''(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner—

''(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

''(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that—

''(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

''(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

''(cc) the prisoner is unlikely to recidivate; or

''(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

''(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

''(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

''(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

''(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

''(3) SUPERVISED RELEASE.—If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.

''(4) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

''(5) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(6) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining—

''(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

''(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

''(7) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall—

''(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

''(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

''(8) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

''(9) MENTORING, REENTRY, AND SPIRITUAL SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner.

''(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

''(11) PRERELEASE CUSTODY CAPACITY.—The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987.

SEC. 103. GAO REPORT.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621 of title 18, United States Code.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code, as added by section 101(a) of this Act.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3632(f) of title 18, United States Code, as added by section 101(a) of this Act.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody or supervised release as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $75,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 3621(h) of title 18, United States Code, as added by section 102(a) of this Act.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions

in recidivism that result from this title should be reinvested—

(1) to supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials, including for the adoption of innovative technologies and information sharing capabilities;

(2) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(3) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States or to amend or affect the enforcement of the immigration laws, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in faith-based activities using direct financial assistance made available under this title or the amendments made by this title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, may be construed to amend any requirement under Federal law or the Constitution of the United States regarding funding for faith-based programs or activities.

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act.

(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a corrections system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

(3) 1 individual with expertise in assessing risk assessment implementation.

(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

(3) conducting research and data analysis on—

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs; and

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(4) reviewing and validating the risk and needs assessment system.

(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a report that includes—

(1) a list of all offenses of conviction for which prisoners were ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each offense the number of prisoners excluded, including demographic percentages by age, race, and sex;

(2) the criminal history categories of prisoners ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each category the number of prisoners excluded, including demographic percentages by age, race, and sex;

(3) the number of prisoners ineligible to apply time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, who do not participate in recidivism reduction programming or productive activities, including the demographic percentages by age, race, and sex;

(4) any recommendations for modifications to section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and any other recommendations regarding recidivism reduction.

(h) TERMINATION.—The Independent Review Committee shall terminate on the date that is 2 years after the date on which the risk and needs assessment system authorized by sections 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, is released.

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 2018''.

SEC. 202. SECURE FIREARMS STORAGE.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§ 4050. Secure firearms storage

''(a) DEFINITIONS.—In this section—

''(1) the term 'employee' means a qualified law enforcement officer employed by the Bureau of Prisons; and

''(2) the terms 'firearm' and 'qualified law enforcement officer' have the meanings given those terms under section 926B.

''(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

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

''(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

''(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''4050. Secure firearms storage.''.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE PERIOD OF PREGNANCY AND POSTPARTUM RECOVERY PROHIBITED.

(a) IN GENERAL.—Chapter 317 of title 18, United States Code, is amended by inserting after section 4321 the following:

''§ 4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited

''(a) PROHIBITION.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a healthcare professional, and ending at the conclusion of postpartum recovery, a prisoner in the custody of the Bureau of Prisons, or in the custody of the United States Marshals Service pursuant to section 4086, shall not be placed in restraints.

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply if—

''(A) an appropriate corrections official, or a United States marshal, as applicable, makes a determination that the prisoner—

''(i) is an immediate and credible flight risk that cannot reasonably be prevented by other means; or

''(ii) poses an immediate and serious threat of harm to herself or others that cannot reasonably be prevented by other means; or

''(B) a healthcare professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the medical safety of the prisoner.

''(2) LEAST RESTRICTIVE RESTRAINTS.—In the case that restraints are used pursuant to an exception under paragraph (1), only the least restrictive restraints necessary to prevent the harm or risk of escape described in paragraph (1) may be used.

''(3) APPLICATION.—

''(A) IN GENERAL.—The exceptions under paragraph (1) may not be applied—

''(i) to place restraints around the ankles, legs, or waist of a prisoner;

''(ii) to restrain a prisoner's hands behind her back;

''(iii) to restrain a prisoner using 4-point restraints; or

''(iv) to attach a prisoner to another prisoner.

''(B) MEDICAL REQUEST.—Notwithstanding paragraph (1), upon the request of a healthcare professional who is responsible for the health and safety of a prisoner, a corrections official or United States marshal, as applicable, shall refrain from using restraints on the prisoner or shall remove restraints used on the prisoner.

''(c) REPORTS.—

''(1) REPORT TO THE DIRECTOR AND HEALTHCARE PROFESSIONAL.—If a corrections official or United States marshal uses restraints on a prisoner under subsection (b)(1), that official or marshal shall submit, not later than 30 days after placing the prisoner in restraints, to the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, and to the healthcare professional responsible for the health and safety of the prisoner, a written report that describes the facts and circumstances surrounding the use of restraints, and includes—

''(A) the reasoning upon which the determination to use restraints was made;

''(B) the details of the use of restraints, including the type of restraints used and length of time during which restraints were used; and

''(C) any resulting physical effects on the prisoner observed by or known to the corrections official or United States marshal, as applicable.

''(2) SUPPLEMENTAL REPORT TO THE DIRECTOR.—Upon receipt of a report under paragraph (1), the healthcare professional responsible for the health and safety of the prisoner may submit to the Director such information as the healthcare professional determines is relevant to the use of restraints on the prisoner.

''(3) REPORT TO JUDICIARY COMMITTEES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each submit to the Judiciary Committee of the Senate and of the House of Representatives a report that certifies compliance with this section and includes the information required to be reported under paragraph (1).

''(B) PERSONALLY IDENTIFIABLE INFORMATION.—The report under this paragraph shall not contain any personally identifiable information of any prisoner.

''(d) NOTICE.—Not later than 48 hours after the confirmation of a prisoner's pregnancy by a healthcare professional, that prisoner shall be notified by an appropriate healthcare professional, corrections official, or United States marshal, as applicable, of the restrictions on the use of restraints under this section.

''(e) VIOLATION REPORTING PROCESS.—The Director of the Bureau of Prisons, in consultation with the Director of the United States Marshals Service, shall establish a process through which a prisoner may report a violation of this section.

''(f) TRAINING.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each develop training guidelines regarding the use of restraints on female prisoners during the period of pregnancy, labor, and postpartum recovery, and shall incorporate such guidelines into appropriate training programs. Such training guidelines shall include—

''(A) how to identify certain symptoms of pregnancy that require immediate referral to a healthcare professional;

''(B) circumstances under which the exceptions under subsection (b) would apply;

''(C) in the case that an exception under subsection (b) applies, how to apply restraints in a way that does not harm the prisoner, the fetus, or the neonate;

''(D) the information required to be reported under subsection (c); and

''(E) the right of a healthcare professional to request that restraints not be used, and the requirement under subsection (b)(3)(B) to comply with such a request.

''(2) DEVELOPMENT OF GUIDELINES.—In developing the guidelines required by paragraph (1), the Directors shall each consult with healthcare professionals with expertise in caring for women during the period of pregnancy and postpartum recovery.

''(g) DEFINITIONS.—For purposes of this section:

''(1) POSTPARTUM RECOVERY.—The term 'postpartum recovery' means the 12-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner, following delivery, and shall include the entire period that the prisoner is in the hospital or infirmary.

''(2) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.

''(3) RESTRAINTS.—The term 'restraints' means any physical or mechanical device used to control the movement of a prisoner's body, limbs, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 317 of title 18, United States Code, is amended by adding after the item relating to section 4321 the following:

''4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited.''.

TITLE IV—SENTENCING REFORM

SEC. 401. REDUCE AND RESTRICT ENHANCED SENTENCING FOR PRIOR DRUG FELONIES.

(a) CONTROLLED SUBSTANCES ACT AMENDMENTS.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102 (21 U.S.C. 802), by adding at the end the following:

''(57) The term 'serious drug felony' means an offense described in section 924(e)(2) of title 18, United States Code, for which—

''(A) the offender served a term of imprisonment of more than 12 months; and

''(B) the offender's release from any term of imprisonment was within 15 years of the commencement of the instant offense.

''(58) The term 'serious violent felony' means—

''(A) an offense described in section 3559(c)(2) of title 18, United States Code, for which the offender served a term of imprisonment of more than 12 months; and

''(B) any offense that would be a felony violation of section 113 of title 18, United States Code, if the offense were committed in the special maritime and territorial jurisdiction of the United States, for which the offender served a term of imprisonment of more than 12 months.''; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1))—

(A) in subparagraph (A), in the matter following clause (viii)—

(i) by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years'' and inserting the following: ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years''; and

(ii) by striking ''after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release'' and inserting the following: ''after 2 or more prior convictions for a serious drug felony or serious violent felony have become final, such person shall be sentenced to a term of imprisonment of not less than 25 years''; and

(B) in subparagraph (B), in the matter following clause (viii), by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final'' and inserting the following: ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT AMENDMENTS.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), in the matter following subparagraph (H), by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not less than 20 years'' and inserting ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years''; and

(2) in paragraph (2), in the matter following subparagraph (H), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''.

(c) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

SEC. 402. BROADENING OF EXISTING SAFETY VALVE.

(a) AMENDMENTS.—Section 3553 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''or section 1010'' and inserting '', section 1010''; and

(ii) by inserting '', or section 70503 or 70506 of title 46'' after ''963)'';

(B) by striking paragraph (1) and inserting the following:

''(1) the defendant does not have—

''(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

''(B) a prior 3-point offense, as determined under the sentencing guidelines; and

''(C) a prior 2-point violent offense, as determined under the sentencing guidelines;''; and

(C) by adding at the end the following:

''Information disclosed by a defendant under this subsection may not be used to enhance the sentence of the defendant unless the information relates to a violent offense.''; and

(2) by adding at the end the following:

''(g) DEFINITION OF VIOLENT OFFENSE.—As used in this section, the term 'violent offense' means a crime of violence, as defined in section 16, that is punishable by imprisonment.''.

(b) APPLICABILITY.—The amendments made by this section shall apply only to a conviction entered on or after the date of enactment of this Act.

SEC. 403. CLARIFICATION OF SECTION 924(c) OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c)(1)(C) of title 18, United States Code, is amended, in the matter preceding clause (i), by striking ''second or subsequent conviction under this subsection'' and inserting ''violation of this subsection that occurs after a prior conviction under this subsection has become final''.

(b) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

SEC. 404. APPLICATION OF FAIR SENTENCING ACT.

(a) DEFINITION OF COVERED OFFENSE.—In this section, the term ''covered offense'' means a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), that was committed before August 3, 2010.

(b) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) were in effect at the time the covered offense was committed.

(c) LIMITATIONS.—No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) or if a previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits. Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.

TITLE V—SECOND CHANCE ACT OF 2007 REAUTHORIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Second Chance Reauthorization Act of 2018''.

SEC. 502. IMPROVEMENTS TO EXISTING PROGRAMS.

(a) REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL DEMONSTRATION PROJECTS.—Section 2976 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to States, local governments, territories, or Indian tribes, or any combination thereof (in this section referred to as an 'eligible entity'), in partnership with interested persons (including Federal corrections and supervision agencies), service providers, and nonprofit organizations for the purpose of strategic planning and implementation of adult and juvenile offender reentry projects.'';

(2) in subsection (b)—

(A) in paragraph (3), by inserting ''or reentry courts,'' after ''community,'';

(B) in paragraph (6), by striking ''and'' at the end;

(C) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(8) promoting employment opportunities consistent with the Transitional Jobs strategy (as defined in section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502)).''; and

(3) by striking subsections (d), (e), and (f) and inserting the following:

''(d) COMBINED GRANT APPLICATION; PRIORITY CONSIDERATION.—

''(1) IN GENERAL.—The Attorney General shall develop a procedure to allow applicants to submit a single application for a planning grant under subsection (e) and an implementation grant under subsection (f).

''(2) PRIORITY CONSIDERATION.—The Attorney General shall give priority consideration to grant applications under subsections (e) and (f) that include a commitment by the applicant to partner with a local evaluator to identify and analyze data that will—

''(A) enable the grantee to target the intended offender population; and

''(B) serve as a baseline for purposes of the evaluation.

''(e) PLANNING GRANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Attorney General may make a grant to an eligible entity of not more than $75,000 to develop a strategic, collaborative plan for an adult or juvenile offender reentry demonstration project as described in subsection (h) that includes—

''(A) a budget and a budget justification;

''(B) a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health;

''(C) the activities proposed;

''(D) a schedule for completion of the activities described in subparagraph (C); and

''(E) a description of the personnel necessary to complete the activities described in subparagraph (C).

''(2) MAXIMUM TOTAL GRANTS AND GEOGRAPHIC DIVERSITY.—

''(A) MAXIMUM AMOUNT.—The Attorney General may not make initial planning grants and implementation grants to 1 eligible entity in a total amount that is more than a $1,000,000.

''(B) GEOGRAPHIC DIVERSITY.—The Attorney General shall make every effort to ensure equitable geographic distribution of grants under this section and take into consideration the needs of underserved populations, including rural and tribal communities.

''(3) PERIOD OF GRANT.—A planning grant made under this subsection shall be for a period of not longer than 1 year, beginning on the first day of the month in which the planning grant is made.

''(f) IMPLEMENTATION GRANTS.—

''(1) APPLICATIONS.—An eligible entity desiring an implementation grant under this subsection shall submit to the Attorney General an application that—

''(A) contains a reentry strategic plan as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to fund the program after Federal funding is discontinued;

''(B) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

''(C) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this subsection, and specifically explains how such measurements will provide valid measures of the impact of that program; and

''(D) describes how the project could be broadly replicated if demonstrated to be effective.

''(2) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this subsection only if the application—

''(A) reflects explicit support of the chief executive officer, or their designee, of the State, unit of local government, territory, or Indian tribe applying for a grant under this subsection;

''(B) provides discussion of the role of Federal corrections, State corrections departments, community corrections agencies, juvenile justice systems, and tribal or local jail systems in ensuring successful reentry of offenders into their communities;

''(C) provides evidence of collaboration with State, local, or tribal government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

''(D) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community;

''(E) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant;

''(F) provides a plan for continued collaboration with a local evaluator as necessary to meeting the requirements under subsection (h); and

''(G) demonstrates that the applicant participated in the planning grant process or engaged in comparable planning for the reentry project.

''(3) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this subsection that best—

''(A) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

''(B) include—

''(i) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(ii) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities;

''(iii) coordination with families of offenders;

''(iv) input, where appropriate, from the juvenile justice coordinating council of the region;

''(v) input, where appropriate, from the reentry coordinating council of the region; or

''(vi) input, where appropriate, from other interested persons;

''(C) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

''(i) planning for prerelease transitional housing and community release that begins upon admission for juveniles and jail inmates, and, as appropriate, for prison inmates, depending on the length of the sentence;

''(ii) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal, tribal, or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services, including assistance identifying and securing suitable housing; or

''(iii) delivery of continuous and appropriate mental health services, drug treatment, medical care, job training and placement, educational services, vocational services, and any other service or support needed for reentry;

''(D) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole,

probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

''(E) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs;

''(F) target moderate and high-risk offenders for reentry programs through validated assessment tools; or

''(G) target offenders with histories of homelessness, substance abuse, or mental illness, including a prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support service.

''(4) PERIOD OF GRANT.—A grant made under this subsection shall be effective for a 2-year period—

''(A) beginning on the date on which the planning grant awarded under subsection (e) concludes; or

''(B) in the case of an implementation grant awarded to an eligible entity that did not receive a planning grant, beginning on the date on which the implementation grant is awarded.'';

(4) in subsection (h)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—As a condition of receiving financial assistance under subsection (f), each application shall develop a comprehensive reentry strategic plan that—

''(A) contains a plan to assess inmate reentry needs and measurable annual and 3-year performance outcomes;

''(B) uses, to the maximum extent possible, randomly assigned and controlled studies, or rigorous quasi-experimental studies with matched comparison groups, to determine the effectiveness of the program funded with a grant under subsection (f); and

''(C) includes as a goal of the plan to reduce the rate of recidivism for offenders released from prison, jail or a juvenile facility with funds made available under subsection (f).

''(2) LOCAL EVALUATOR.—A partnership with a local evaluator described in subsection (d)(2) shall require the local evaluator to use the baseline data and target population characteristics developed under a subsection (e) planning grant to derive a target goal for recidivism reduction during the 3-year period beginning on the date of implementation of the program.'';

(5) in subsection (i)(1)—

(A) in the matter preceding subparagraph (A), by striking ''under this section'' and inserting ''under subsection (f)''; and

(B) in subparagraph (B), by striking ''subsection (e)(4)'' and inserting ''subsection (f)(2)(D)'';

(6) in subsection (j)—

(A) in paragraph (1), by inserting ''for an implementation grant under subsection (f)'' after ''applicant'';

(B) in paragraph (2)—

(i) in subparagraph (E), by inserting '', where appropriate'' after ''support''; and

(ii) by striking subparagraphs (F), (G), and (H), and inserting the following:

''(F) increased number of staff trained to administer reentry services;

''(G) increased proportion of individuals served by the program among those eligible to receive services;

''(H) increased number of individuals receiving risk screening needs assessment, and case planning services;

''(I) increased enrollment in, and completion of treatment services, including substance abuse and mental health services among those assessed as needing such services;

''(J) increased enrollment in and degrees earned from educational programs, including high school, GED, vocational training, and college education;

''(K) increased number of individuals obtaining and retaining employment;

''(L) increased number of individuals obtaining and maintaining housing;

''(M) increased self-reports of successful community living, including stability of living situation and positive family relationships;

''(N) reduction in drug and alcohol use; and

''(O) reduction in recidivism rates for individuals receiving reentry services after release, as compared to either baseline recidivism rates in the jurisdiction of the grantee or recidivism rates of the control or comparison group.'';

(C) in paragraph (3), by striking ''facilities.'' and inserting ''facilities, including a cost-benefit analysis to determine the cost effectiveness of the reentry program.'';

(D) in paragraph (4), by striking ''this section'' and inserting ''subsection (f)''; and

(E) in paragraph (5), by striking ''this section'' and inserting ''subsection (f)'';

(7) in subsection (k)(1), by striking ''this section'' each place the term appears and inserting ''subsection (f)'';

(8) in subsection (l)—

(A) in paragraph (2), by inserting ''beginning on the date on which the most recent implementation grant is made to the grantee under subsection (f)'' after ''2-year period''; and

(B) in paragraph (4), by striking ''over a 2-year period'' and inserting ''during the 2-year period described in paragraph (2)'';

(9) in subsection (o)(1), by striking ''appropriated'' and all that follows and inserting the following: ''appropriated $35,000,000 for each of fiscal years 2019 through 2023.''; and

(10) by adding at the end the following:

''(p) DEFINITION.—In this section, the term 'reentry court' means a program that—

''(1) monitors juvenile and adult eligible offenders reentering the community;

''(2) provides continual judicial supervision;

''(3) provides juvenile and adult eligible offenders reentering the community with coordinated and comprehensive reentry services and programs, such as—

''(A) drug and alcohol testing and assessment for treatment;

''(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

''(C) substance abuse treatment, including medication-assisted treatment, from a provider that is approved by the State or Indian tribe, and licensed, if necessary, to provide medical and other health services;

''(D) health (including mental health) services and assessment;

''(E) aftercare and case management services that—

''(i) facilitate access to clinical care and related health services; and

''(ii) coordinate with such clinical care and related health services; and

''(F) any other services needed for reentry;

''(4) convenes community impact panels, victim impact panels, or victim impact educational classes;

''(5) provides and coordinates the delivery of community services to juvenile and adult eligible offenders, including—

''(A) housing assistance;

''(B) education;

''(C) job training;

''(D) conflict resolution skills training;

''(E) batterer intervention programs; and

''(F) other appropriate social services; and

''(6) establishes and implements graduated sanctions and incentives.''.

(b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT.—Part DD of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10591 et seq.) is amended—

(1) in section 2921 (34 U.S.C. 10591), in the matter preceding paragraph (1), by inserting ''nonprofit organizations,'' before ''and Indian'';

(2) in section 2923 (34 U.S.C. 10593), by adding at the end the following:

''(c) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority consideration to grant applications for grants under section 2921 that are submitted by a nonprofit organization that demonstrates a relationship with State and local criminal justice agencies, including—

''(1) within the judiciary and prosecutorial agencies; or

''(2) with the local corrections agencies, which shall be documented by a written agreement that details the terms of access to facilities and participants and provides information on the history of the organization of working with correctional populations.''; and

(3) by striking section 2926(a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2019 through 2023.''.

(c) GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the second part designated as part JJ, as added by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 677), relating to grants to evaluate and improve educational methods at prisons, jails, and juvenile facilities;

(2) by adding at the end the following:

''PART NN—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

''SEC. 3041. GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

''(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities;

''(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1);

''(3) improve the academic and vocational education programs (including technology career training) available to offenders in prisons, jails, and juvenile facilities; and

''(4) implement methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities consistent with the best practices identified in subsection (c).

''(b) APPLICATION.—To be eligible for a grant under this part, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such

form and manner, at such time, and accompanied by such information as the Attorney General specifies.

''(c) BEST PRACTICES.—Not later than 180 days after the date of enactment of the Second Chance Reauthorization Act of 2018, the Attorney General shall identify and publish best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities. The best practices shall consider the evaluations performed and recommendations made under grants made under subsection (a) before the date of enactment of the Second Chance Reauthorization Act of 2018.

''(d) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this part, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this part.''; and

(3) in section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)), by adding at the end the following:

''(28) There are authorized to be appropriated to carry out section 3031(a)(4) of part NN $5,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.''.

(d) CAREERS TRAINING DEMONSTRATION GRANTS.—Section 115 of the Second Chance Act of 2007 (34 U.S.C. 60511) is amended—

(1) in the heading, by striking ''**TECHNOLOGY CAREERS**'' and inserting ''**CAREERS**'';

(2) in subsection (a)—

(A) by striking ''and Indian'' and inserting ''nonprofit organizations, and Indian''; and

(B) by striking ''technology career training to prisoners'' and inserting ''career training, including subsidized employment, when part of a training program, to prisoners and reentering youth and adults'';

(3) in subsection (b)—

(A) by striking ''technology careers training'';

(B) by striking ''technology-based''; and

(C) by inserting '', as well as upon transition and reentry into the community'' after ''facility'';

(4) by striking subsection (e);

(5) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(6) by inserting after subsection (b) the following:

''(c) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

''(1) provides assessment of local demand for employees in the geographic areas to which offenders are likely to return;

''(2) conducts individualized reentry career planning upon the start of incarceration or post-release employment planning for each offender served under the grant;

''(3) demonstrates connections to employers within the local community; or

''(4) tracks and monitors employment outcomes.''; and

(7) by adding at the end the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.''.

(e) OFFENDER REENTRY SUBSTANCE ABUSE AND CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section 201(f)(1) of the Second Chance Act of 2007 (34 U.S.C. 60521(f)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2019 through 2023.''.

(f) COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Section 211 of the Second Chance Act of 2007 (34 U.S.C. 60531) is amended—

(A) in the header, by striking ''**MENTORING GRANTS TO NONPROFIT ORGANIZATIONS**'' and inserting ''**COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS**'';

(B) in subsection (a), by striking ''mentoring and other'';

(C) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) transitional services to assist in the reintegration of offenders into the community, including—

''(A) educational, literacy, and vocational, services and the Transitional Jobs strategy;

''(B) substance abuse treatment and services;

''(C) coordinated supervision and services for offenders, including physical health care and comprehensive housing and mental health care;

''(D) family services; and

''(E) validated assessment tools to assess the risk factors of returning inmates; and''; and

(D) in subsection (f), by striking ''this section'' and all that follows and inserting the following: ''this section $15,000,000 for each of fiscal years 2019 through 2023.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 211 and inserting the following:

''Sec. 211. Community-based mentoring and transitional service grants.''.

(g) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502) is amended to read as follows:

''SEC. 4. DEFINITIONS.

''In this Act—

''(1) the term 'exoneree' means an individual who—

''(A) has been convicted of a Federal, tribal, or State offense that is punishable by a term of imprisonment of more than 1 year;

''(B) has served a term of imprisonment for not less than 6 months in a Federal, tribal, or State prison or correctional facility as a result of the conviction described in subparagraph (A); and

''(C) has been determined to be factually innocent of the offense described in subparagraph (A);

''(2) the term 'Indian tribe' has the meaning given in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251);

''(3) the term 'offender' includes an exoneree; and

''(4) the term 'Transitional Jobs strategy' means an employment strategy for youth and adults who are chronically unemployed or those that have barriers to employment that—

''(A) is conducted by State, tribal, and local governments, State, tribal, and local workforce boards, and nonprofit organizations;

''(B) provides time-limited employment using individual placements, team placements, and social enterprise placements, without displacing existing employees;

''(C) pays wages in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, which are subsidized, in whole or in part, by public funds;

''(D) combines time-limited employment with activities that promote skill development, remove barriers to employment, and lead to unsubsidized employment such as a thorough orientation and individual assessment, job readiness and life skills training, case management and supportive services, adult education and training, child support-related services, job retention support and incentives, and other similar activities;

''(E) places participants into unsubsidized employment; and

''(F) provides job retention, re-employment services, and continuing and vocational education to ensure continuing participation in unsubsidized employment and identification of opportunities for advancement.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 4 and inserting the following:

''Sec. 4. Definitions.''.

(h) EXTENSION OF THE LENGTH OF SECTION 2976 GRANTS.—Section 6(1) of the Second Chance Act of 2007 (34 U.S.C. 60504(1)) is amended by inserting ''or under section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631)'' after ''and 212''.

SEC. 503. AUDIT AND ACCOUNTABILITY OF GRANTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''covered grant program'' means grants awarded under section 115, 201, or 211 of the Second Chance Act of 2007 (34 U.S.C. 60511, 60521, and 60531), as amended by this title;

(2) the term ''covered grantee'' means a recipient of a grant from a covered grant program;

(3) the term ''nonprofit'', when used with respect to an organization, means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code; and

(4) the term ''unresolved audit finding'' means an audit report finding in a final audit report of the Inspector General of the Department of Justice that a covered grantee has used grant funds awarded to that grantee under a covered grant program for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during a 12-month period prior to the date on which the final audit report is issued.

(b) AUDIT REQUIREMENT.—Beginning in fiscal year 2019, and annually thereafter, the Inspector General of the Department of Justice shall conduct audits of covered grantees to prevent waste, fraud, and abuse of funds awarded under covered grant programs. The Inspector General shall determine the appropriate number of covered grantees to be audited each year.

(c) MANDATORY EXCLUSION.—A grantee that is found to have an unresolved audit finding under an audit conducted under subsection (b) may not receive grant funds under a covered grant program in the fiscal year following the fiscal year to which the finding relates.

(d) REIMBURSEMENT.—If a covered grantee is awarded funds under the covered grant program from which it received a grant award during the 1-fiscal-year period during which the covered grantee is ineligible for an allocation of grant funds under subsection (c), the Attorney General shall—

(1) deposit into the General Fund of the Treasury an amount that is equal to the amount of the grant funds that were improperly awarded to the covered grantee; and

(2) seek to recoup the costs of the repayment to the Fund from the covered grantee that was improperly awarded the grant funds.

(e) PRIORITY OF GRANT AWARDS.—The Attorney General, in awarding grants under a covered grant program shall give priority to eligible entities that during the 2-year period preceding the application for a grant have not been found to have an unresolved audit finding.

(f) NONPROFIT REQUIREMENTS.—

(1) PROHIBITION.—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax described in section 511(a) of the Internal Revenue Code of 1986, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.

(2) DISCLOSURE.—Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied on to determine such compensation.

(g) PROHIBITION ON LOBBYING ACTIVITY.—

(1) IN GENERAL.—Amounts made available under a covered grant program may not be used by any covered grantee to—

(A) lobby any representative of the Department of Justice regarding the award of grant funding; or

(B) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(2) PENALTY.—If the Attorney General determines that a covered grantee has violated paragraph (1), the Attorney General shall—

(A) require the covered grantee to repay the grant in full; and

(B) prohibit the covered grantee from receiving a grant under the covered grant program from which it received a grant award during at least the 5-year period beginning on the date of such violation.

SEC. 504. FEDERAL REENTRY IMPROVEMENTS.

(a) RESPONSIBLE REINTEGRATION OF OFFENDERS.—Section 212 of the Second Chance Act of 2007 (34 U.S.C. 60532) is repealed.

(b) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (434 U.S.C. 60541) is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking ''carried out during fiscal years 2009 and 2010'' and inserting ''carried out during fiscal years 2019 through 2023''; and

(B) in paragraph (5)(A)(ii), by striking ''the greater of 10 years or'';

(2) by striking subsection (h);

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h), as so redesignated, by striking ''2009 and 2010'' and inserting ''2019 through 2023''.

(c) ENHANCING REPORTING REQUIREMENTS PERTAINING TO COMMUNITY CORRECTIONS.—Section 3624(c) of title 18, United States Code, is amended—

(1) in paragraph (5), in the second sentence, by inserting '', and number of prisoners not being placed in community corrections facilities for each reason set forth'' before '', and any other information''; and

(2) in paragraph (6), by striking ''the Second Chance Act of 2007'' and inserting ''the Second Chance Reauthorization Act of 2018''.

(d) TERMINATION OF STUDY ON EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.—Section 244 of the Second Chance Act of 2007 (34 U.S.C. 60554) is repealed.

(e) AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH.—Section 245 of the Second Chance Act of 2007 (34 U.S.C. 60555) is amended—

(1) by striking ''243, and 244'' and inserting ''and 243''; and

(2) by striking ''$10,000,000 for each of the fiscal years 2009 and 2010'' and inserting ''$5,000,000 for each of the fiscal years 2019, 2020, 2021, 2022, and 2023''.

(f) FEDERAL PRISONER RECIDIVISM REDUCTION PROGRAMMING ENHANCEMENT.—

(1) IN GENERAL.—Section 3621 of title 18, United States Code, as amended by section 102(a) of this Act, is amended—

(A) by redesignating subsection (g) as subsection (i); and

(B) by inserting after subsection (f) the following:

''(g) PARTNERSHIPS TO EXPAND ACCESS TO REENTRY PROGRAMS PROVEN TO REDUCE RECIDIVISM.—

''(1) DEFINITION.—The term 'demonstrated to reduce recidivism' means that the Director of Bureau of Prisons has determined that appropriate research has been conducted and has validated the effectiveness of the type of program on recidivism.

''(2) ELIGIBILITY FOR RECIDIVISM REDUCTION PARTNERSHIP.—A faith-based or community-based nonprofit organization that provides mentoring or other programs that have been demonstrated to reduce recidivism is eligible to enter into a recidivism reduction partnership with a prison or community-based facility operated by the Bureau of Prisons.

''(3) RECIDIVISM REDUCTION PARTNERSHIPS.—The Director of the Bureau of Prisons shall develop policies to require wardens of prisons and community-based facilities to enter into recidivism reduction partnerships with faith-based and community-based nonprofit organizations that are willing to provide, on a volunteer basis, programs described in paragraph (2).

''(4) REPORTING REQUIREMENT.—The Director of the Bureau of Prisons shall submit to Congress an annual report on the last day of each fiscal year that—

''(A) details, for each prison and community-based facility for the fiscal year just ended—

''(i) the number of recidivism reduction partnerships under this section that were in effect;

''(ii) the number of volunteers that provided recidivism reduction programming; and

''(iii) the number of recidivism reduction programming hours provided; and

''(B) explains any disparities between facilities in the numbers reported under subparagraph (A).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 180 days after the date of enactment of this Act.

(g) REPEALS.—

(1) Section 2978 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10633) is repealed.

(2) Part CC of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10581 et seq.) is repealed.

SEC. 505. FEDERAL INTERAGENCY REENTRY COORDINATION.

(a) REENTRY COORDINATION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other agencies of the Federal Government as the Attorney General considers appropriate, and in collaboration with interested persons, service providers, nonprofit organizations, and State, tribal, and local governments, shall coordinate on Federal programs, policies, and activities relating to the reentry of individuals returning from incarceration to the community, with an emphasis on evidence-based practices and protection against duplication of services.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General, in consultation with the Secretaries listed in subsection (a), shall submit to Congress a report summarizing the achievements under subsection (a), and including recommendations for Congress that would further reduce barriers to successful reentry.

SEC. 506. CONFERENCE EXPENDITURES.

(a) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this title, or any amendments made by this title, may be used by the Attorney General, or by any individual or organization awarded discretionary funds under this title, or any amendments made by this title, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference. A conference that uses more than $20,000 in such funds, but less than an average of $500 in such funds for each attendee of the conference, shall not be subject to the limitations of this section.

(b) WRITTEN APPROVAL.—Written approval under subsection (a) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(c) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this section.

SEC. 507. EVALUATION OF THE SECOND CHANCE ACT PROGRAM.

(a) EVALUATION OF THE SECOND CHANCE ACT GRANT PROGRAM.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall evaluate the effectiveness of grants used by the Department of Justice to support offender reentry and recidivism reduction programs at the State, local, Tribal, and Federal levels. The National Institute of Justice shall evaluate the following:

(1) The effectiveness of such programs in relation to their cost, including the extent to which the programs improve reentry outcomes, including employment, education, housing, reductions in recidivism, of participants in comparison to comparably situated individuals who did not participate in such programs and activities.

(2) The effectiveness of program structures and mechanisms for delivery of services.

(3) The impact of such programs on the communities and participants involved.

(4) The impact of such programs on related programs and activities.

(5) The extent to which such programs meet the needs of various demographic groups.

(6) The quality and effectiveness of technical assistance provided by the Department of Justice to grantees for implementing such programs.

(7) Such other factors as may be appropriate.

(b) AUTHORIZATION OF FUNDS FOR EVALUATION.—Not more than 1 percent of any amounts authorized to be appropriated to carry out the Second Chance Act grant program shall be made available to the National Institute of Justice each year to evaluate the processes, implementation, outcomes, costs, and effectiveness of the Second Chance Act grant program in improving reentry and reducing recidivism. Such funding may be used to provide support to grantees for supplemental data collection, analysis, and coordination associated with evaluation activities.

(c) TECHNIQUES.—Evaluations conducted under this section shall use appropriate methodology and research designs. Impact evaluations conducted under this section shall include the use of intervention and control groups chosen by random assignment methods, to the extent possible.

(d) METRICS AND OUTCOMES FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Institute of Justice shall consult with relevant stakeholders and identify outcome measures, including employment, housing, education, and public safety, that are to be achieved by programs authorized under the Second Chance Act grant program and the metrics by which the achievement of such outcomes shall be determined.

(2) PUBLICATION.—Not later than 30 days after the date on which the National Institute of Justice identifies metrics and outcomes under paragraph (1), the Attorney General shall publish such metrics and outcomes identified.

(e) DATA COLLECTION.—As a condition of award under the Second Chance Act grant program (including a subaward under section 3021(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701(b))), grantees shall be required to collect and report to the Department of Justice data based upon the metrics identified under subsection (d). In accordance with applicable law, collection of individual-level data under a pledge of confidentiality shall be protected by the National Institute of Justice in accordance with such pledge.

(f) DATA ACCESSIBILITY.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall—

(1) make data collected during the course of evaluation under this section available in de-identified form in such a manner that reasonably protects a pledge of confidentiality to participants under subsection (e); and

(2) make identifiable data collected during the course of evaluation under this section available to qualified researchers for future research and evaluation, in accordance with applicable law.

(g) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The National Institute of Justice shall—

(1) not later than 365 days after the date on which the enrollment of participants in an impact evaluation is completed, publish an interim report on such evaluation;

(2) not later than 90 days after the date on which any evaluation is completed, publish and make publicly available such evaluation; and

(3) not later than 60 days after the completion date described in paragraph (2), submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on such evaluation.

(h) SECOND CHANCE ACT GRANT PROGRAM DEFINED.—In this section, the term ''Second Chance Act grant program'' means any grant program reauthorized under this title and the amendments made by this title.

SEC. 508. GAO REVIEW.

Not later than 3 years after the date of enactment of the First Step Act of 2018 the Comptroller General of the United States shall conduct a review of all of the grant awards made under this title and amendments made by this title that includes—

(1) an evaluation of the effectiveness of the reentry programs funded by grant awards under this title and amendments made by this title at reducing recidivism, including a determination of which reentry programs were most effective;

(2) recommendations on how to improve the effectiveness of reentry programs, including those for which prisoners may earn time credits under the First Step Act of 2018; and

(3) an evaluation of the effectiveness of mental health services, drug treatment, medical care, job training and placement, educational services, and vocational services programs funded under this title and amendments made by this title.

TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.

Section 3621(b) of title 18, United States Code, is amended—

(1) by striking ''shall designate the place of the prisoner's imprisonment.'' and inserting ''shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence.''; and

(2) by adding at the end the following: ''Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court.''.

SEC. 602. HOME CONFINEMENT FOR LOW-RISK PRISONERS.

Section 3624(c)(2) of title 18, United States Code, is amended by adding at the end the following: ''The Bureau of Prisons shall, to the extent practicable, place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted under this paragraph.''.

SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION; MODIFICATION OF IMPOSED TERM OF IMPRISONMENT.

(a) FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION.—Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''and eligible terminally ill offenders'' after ''elderly offenders'' each place the term appears;

(B) in subparagraph (A), by striking ''a Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(C) in subparagraph (B)—

(i) by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(ii) by inserting '', upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender'' after ''to home detention''; and

(D) in subparagraph (C), by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(2) in paragraph (2), by inserting ''or eligible terminally ill offender'' after ''elderly offender'';

(3) in paragraph (3), as amended by section 504(b)(1)(A) of this Act, by striking ''at least one Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(4) in paragraph (4)—

(A) by inserting ''or eligible terminally ill offender'' after ''each eligible elderly offender''; and

(B) by inserting ''and eligible terminally ill offenders'' after ''eligible elderly offenders''; and

(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i), striking ''65 years of age'' and inserting ''60 years of age''; and

(ii) in clause (ii), as amended by section 504(b)(1)(B) of this Act, by striking ''75 percent'' and inserting ''⅔''; and

(B) by adding at the end the following:

''(D) ELIGIBLE TERMINALLY ILL OFFENDER.—The term 'eligible terminally ill offender' means an offender in the custody of the Bureau of Prisons who—

''(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code;

''(ii) satisfies the criteria specified in clauses (iii) through (vii) of subparagraph (A); and

''(iii) has been determined by a medical doctor approved by the Bureau of Prisons to be—

''(I) in need of care at a nursing home, intermediate care facility, or 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.''.

(b) INCREASING THE USE AND TRANSPARENCY OF COMPASSIONATE RELEASE.—Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A), in the matter preceding clause (i), by inserting after ''Bureau of Prisons,'' the following: ''or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier,'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) NOTIFICATION REQUIREMENTS.—

''(1) TERMINAL ILLNESS DEFINED.—In this subsection, the term 'terminal illness' means a disease or condition with an end-of-life trajectory.

''(2) NOTIFICATION.—The Bureau of Prisons shall, subject to any applicable confidentiality requirements—

''(A) in the case of a defendant diagnosed with a terminal illness—

''(i) not later than 72 hours after the diagnosis notify the defendant's attorney, partner, and family members of the defendant's condition and inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) not later than 7 days after the date of the diagnosis, provide the defendant's partner and family members (including extended family) with an opportunity to visit the defendant in person;

''(iii) upon request from the defendant or his attorney, partner, or a family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(iv) not later than 14 days of receipt of a request for a sentence reduction submitted on the defendant's behalf by the defendant or the defendant's attorney, partner, or family member, process the request;

''(B) in the case of a defendant who is physically or mentally unable to submit a request for a sentence reduction pursuant to subsection (c)(1)(A)—

''(i) inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) accept and process a request for sentence reduction that has been prepared and submitted on the defendant's behalf by the defendant's attorney, partner, or family member under clause (i); and

''(iii) upon request from the defendant or his attorney, partner, or family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(C) ensure that all Bureau of Prisons facilities regularly and visibly post, including in prisoner handbooks, staff training materials, and facility law libraries and medical and hospice facilities, and make available to prisoners upon demand, notice of—

''(i) a defendant's ability to request a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) the procedures and timelines for initiating and resolving requests described in clause (i); and

''(iii) the right to appeal a denial of a request described in clause (i) after all administrative rights to appeal within the Bureau of Prisons have been exhausted.

''(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, and once every year thereafter, the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on requests for sentence reductions pursuant to subsection (c)(1)(A), which shall include a description of, for the previous year—

''(A) the number of prisoners granted and denied sentence reductions, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(B) the number of requests initiated by or on behalf of prisoners, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(C) the number of requests that Bureau of Prisons employees assisted prisoners in drafting, preparing, or submitting, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(D) the number of requests that attorneys, partners, or family members submitted on a defendant's behalf, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(E) the number of requests approved by the Director of the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(F) the number of requests denied by the Director of the Bureau of Prisons and the reasons given for each denial, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(G) for each request, the time elapsed between the date the request was received by the warden and the final decision, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(H) for each request, the number of prisoners who died while their request was pending and, for each, the amount of time that had elapsed between the date the request was received by the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(I) the number of Bureau of Prisons notifications to attorneys, partners, and family members of their right to visit a terminally ill defendant as required under paragraph (2)(A)(ii) and, for each, whether a visit occurred and how much time elapsed between the notification and the visit;

''(J) the number of visits to terminally ill prisoners that were denied by the Bureau of Prisons due to security or other concerns, and the reasons given for each denial; and

''(K) the number of motions filed by defendants with the court after all administrative rights to appeal a denial of a sentence reduction had been exhausted, the outcome of each motion, and the time that had elapsed between the date the request was first received by the Bureau of Prisons and the date the defendant filed the motion with the court.''.

SEC. 604. IDENTIFICATION FOR RETURNING CITIZENS.

(a) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—Section 231(b) of the Second Chance Act of 2007 (34 U.S.C. 60541(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''(including'' and inserting ''prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including''; and

(B) by striking ''or birth certificate) prior to release'' and inserting ''and a birth certificate''; and

(2) by adding at the end the following:

''(4) DEFINITION.—In this subsection, the term 'community confinement' means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility.''.

(b) DUTIES OF THE BUREAU OF PRISONS.—Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (D) and (E) as paragraphs (6) and (7), respectively;

(2) in paragraph (6) (as so redesignated)—

(A) in clause (i)—

(i) by striking ''Social Security Cards,''; and

(ii) by striking ''and'' at the end;

(B) by redesignating clause (ii) as clause (iii);

(C) by inserting after clause (i) the following:

''(ii) obtain identification, including a social security card, driver's license or other official photo identification, and a birth certificate; and'';

(D) in clause (iii) (as so redesignated), by inserting after ''prior to release'' the following: ''from a sentence to a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term of community confinement''; and

(E) by redesignating clauses (i), (ii), and (iii) (as so amended) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly; and

(3) in paragraph (7) (as so redesignated), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively, and adjusting the margins accordingly.

SEC. 605. EXPANDING INMATE EMPLOYMENT THROUGH FEDERAL PRISON INDUSTRIES.

(a) NEW MARKET AUTHORIZATIONS.—Chapter 307 of title 18, United States Code, is amended by inserting after section 4129 the following:

''§ 4130. Additional markets

''(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, Federal Prison Industries may sell products to—

''(1) public entities for use in penal or correctional institutions;

''(2) public entities for use in disaster relief or emergency response;

''(3) the government of the District of Columbia; and

''(4) any organization described in subsection (c)(3), (c)(4), or (d) of section 501 of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.

''(b) OFFICE FURNITURE.—Federal Prison Industries may not sell office furniture to the organizations described in subsection (a)(4).

''(c) DEFINITIONS.—In this section:

''(1) The term 'office furniture' means any product or service offering intended to meet the furnishing needs of the workplace, including office, healthcare, educational, and hospitality environments.

''(2) The term 'public entity' means a State, a subdivision of a State, an Indian tribe, and an agency or governmental corporation or business of any of the foregoing.

''(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by inserting after the item relating to section 4129 the following:

''4130. Additional markets.''.

(c) DEFERRED COMPENSATION.—Section 4126(c)(4) of title 18, United States Code, is amended by inserting after ''operations,'' the following: ''not less than 15 percent of such compensation for any inmate shall be reserved in the fund or a separate account and made available to assist the inmate with costs associated with release from prison,''.

(d) GAO REPORT.—Beginning not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of Federal Prison Industries that includes the following:

(1) An evaluation of Federal Prison Industries's effectiveness in reducing recidivism compared to other rehabilitative programs in the prison system.

(2) An evaluation of the scope and size of the additional markets made available to Federal Prison Industries under this section and the total market value that would be opened up to Federal Prison Industries for competition with private sector providers of products and services.

(3) An evaluation of whether the following factors create an unfair competitive environment between Federal Prison Industries and private sector providers of products and services which would be exacerbated by further expansion:

(A) Federal Prison Industries's status as a mandatory source of supply for Federal agencies and the requirement that the buying agency must obtain a waiver in order to make a competitive purchase from the private sector if the item to be acquired is listed on the schedule of products and services published by Federal Prison Industries.

(B) Federal Prison Industries's ability to determine that the price to be paid by Federal Agencies is fair and reasonable, rather than such a determination being made by the buying agency.

(C) An examination of the extent to which Federal Prison Industries is bound by the requirements of the generally applicable Federal Acquisition Regulation pertaining to the conformity of the delivered product with the specified design and performance specifications and adherence to the delivery schedule required by the Federal agency, based on the transactions being categorized as interagency transfers.

(D) An examination of the extent to which Federal Prison Industries avoids transactions that are little more than pass through transactions where the work provided by inmates does not create meaningful value or meaningful work opportunities for inmates.

(E) The extent to which Federal Prison Industries must comply with the same worker protection, workplace safety and similar regulations applicable to, and enforceable against, Federal contractors.

(F) The wages Federal Prison Industries pays to inmates, taking into account inmate productivity and other factors such as security concerns associated with having a facility in a prison.

(G) The effect of any additional cost advantages Federal Prison Industries has over private sector providers of goods and services, including—

(i) the costs absorbed by the Bureau of Prisons such as inmate medical care and infrastructure expenses including real estate and utilities; and

(ii) its exemption from Federal and State income taxes and property taxes.

(4) An evaluation of the extent to which the customers of Federal Prison Industries are satisfied with quality, price, and timely delivery of the products and services provided it provides, including summaries of other independent assessments such as reports of agency inspectors general, if applicable.

SEC. 606. DE-ESCALATION TRAINING.

Beginning not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Prisons shall incorporate into training programs provided to officers and employees of the Bureau of Prisons (including officers and employees of an organization with which the Bureau of Prisons has a contract to provide services relating to imprisonment) specialized and comprehensive training in procedures to—

(1) de-escalate encounters between a law enforcement officer or an officer or employee of the Bureau of Prisons, and a civilian or a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act); and

(2) identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.

SEC. 607. EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.

(a) REPORT ON EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and the capacity of the Bureau of Prisons to treat heroin and opioid abuse through evidence-based programs, including medication-assisted treatment where appropriate. In preparing the report, the Director shall consider medication-assisted treatment as a strategy to assist in treatment where appropriate and not as a replacement for holistic and other drug-free approaches. The report shall include a description of plans to expand access to evidence-based treatment for heroin and opioid abuse for prisoners, including access to medication-assisted treatment in appropriate cases. Following submission, the Director shall take steps to implement these plans.

(b) REPORT ON THE AVAILABILITY OF MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE, AND IMPLEMENTATION THEREOF.—Not later than 120 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and capacity for the provision of medication-assisted treatment for opioid and heroin abuse by treatment service providers serving prisoners who are serving a term of supervised release, and including a description of plans to expand access to medication-assisted treatment for heroin and opioid abuse whenever appropriate among prisoners under supervised release. Following submission, the Director will take steps to implement these plans.

SEC. 608. PILOT PROGRAMS.

(a) IN GENERAL.—The Bureau of Prisons shall establish each of the following pilot programs for 5 years, in at least 20 facilities:

(1) MENTORSHIP FOR YOUTH.—A program to pair youth with volunteers from faith-based or community organizations, which may include formerly incarcerated offenders, that have relevant experience or expertise in mentoring, and a willingness to serve as a mentor in such a capacity.

(2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE ANIMALS.—A program to equip prisoners with the skills to provide training and therapy to animals seized by Federal law enforcement under asset forfeiture authority and to organizations that provide shelter and similar services to abandoned, rescued, or otherwise vulnerable animals.

(b) REPORTING REQUIREMENT.—Not later than 1 year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the pilot programs under this section. Such report shall include cost savings, numbers of participants, and information about recidivism rates among participants.

(c) DEFINITION.—In this title, the term ''youth'' means a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.

SEC. 609. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended in paragraph (8)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended in paragraph (12)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

SEC. 610. DATA COLLECTION.

(a) NATIONAL PRISONER STATISTICS PROGRAM.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), the Director of the Bureau of Justice Statistics, with information that shall be provided by the Director of the Bureau of Prisons, shall include in the National Prisoner Statistics Program the following:

(1) The number of prisoners (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who are veterans of the Armed Forces of the United States.

(2) The number of prisoners who have been placed in solitary confinement at any time during the previous year.

(3) The number of female prisoners known by the Bureau of Prisons to be pregnant, as well as the outcomes of such pregnancies, including information on pregnancies that result in live birth, stillbirth, miscarriage, abortion, ectopic pregnancy, maternal death, neonatal death, and preterm birth.

(4) The number of prisoners who volunteered to participate in a substance abuse treatment program, and the number of prisoners who have participated in such a program.

(5) The number of prisoners provided medication-assisted treatment with medication approved by the Food and Drug Administration while in custody in order to treat substance use disorder.

(6) The number of prisoners who were receiving medication-assisted treatment with medication approved by the Food and Drug Administration prior to the commencement of their term of imprisonment.

(7) The number of prisoners who are the parent or guardian of a minor child.

(8) The number of prisoners who are single, married, or otherwise in a committed relationship.

(9) The number of prisoners who have not achieved a GED, high school diploma, or equivalent prior to entering prison.

(10) The number of prisoners who, during the previous year, received their GED or other equivalent certificate while incarcerated.

(11) The numbers of prisoners for whom English is a second language.

(12) The number of incidents, during the previous year, in which restraints were used on a female prisoner during pregnancy, labor, or postpartum recovery, as well as information relating to the type of restraints used, and the circumstances under which each incident occurred.

(13) The vacancy rate for medical and healthcare staff positions, and average length of such a vacancy.

(14) The number of facilities that operated, at any time during the previous year, without at least 1 clinical nurse, certified paramedic, or licensed physician on site.

(15) The number of facilities that during the previous year were accredited by the American Correctional Association.

(16) The number and type of recidivism reduction partnerships described in section 3621(h)(5) of title 18, United States Code, as added by section 102(a) of this Act, entered into by each facility.

(17) The number of facilities with remote learning capabilities.

(18) The number of facilities that offer prisoners video conferencing.

(19) Any changes in costs related to legal phone calls and visits following implementation of section 3632(d)(1) of title 18, United States Code, as added by section 101(a) of this Act.

(20) The number of aliens in prison during the previous year.

(21) For each Bureau of Prisons facility, the total number of violations that resulted in reductions in rewards, incentives, or time credits, the number of such violations for each category of violation, and the demographic breakdown of the prisoners who have received such reductions.

(22) The number of assaults on Bureau of Prisons staff by prisoners and the number of criminal prosecutions of prisoners for assaulting Bureau of Prisons staff.

(23) The capacity of each recidivism reduction program and productive activity to accommodate eligible inmates at each Bureau of Prisons facility.

(24) The number of volunteers who were certified to volunteer in a Bureau of Prisons facility, broken down by level (level I and level II), and by each Bureau of Prisons facility.

(25) The number of prisoners enrolled in recidivism reduction programs and productive activities at each Bureau of Prisons facility, broken down by risk level and by program, and the number of those enrolled prisoners who successfully completed each program.

(26) The breakdown of prisoners classified at each risk level by demographic characteristics, including age, sex, race, and the length of the sentence imposed.

(b) REPORT TO JUDICIARY COMMITTEES.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter for a period of 7 years, the Director of the Bureau of Justice Statistics shall submit a report containing the information described in paragraphs (1) through (26) of subsection (a) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 611. HEALTHCARE PRODUCTS.

(a) AVAILABILITY.—The Director of the Bureau of Prisons shall make the healthcare products described in subsection (c) available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.

(b) QUALITY PRODUCTS.—The Director shall ensure that the healthcare products provided under this section conform with applicable industry standards.

(c) PRODUCTS.—The healthcare products described in this subsection are tampons and sanitary napkins.

SEC. 612. ADULT AND JUVENILE COLLABORATION PROGRAMS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651) is amended—

(1) in subsection (b)(4)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D);

(2) in subsection (e), by striking ''may use up to 3 percent'' and inserting ''shall use not less than 6 percent''; and

(3) by amending subsection (g) to read as follows:

''(g) COLLABORATION SET-ASIDE.—The Attorney General shall use not less than 8 percent of funds appropriated to provide technical assistance to State and local governments receiving grants under this part to foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).''.

SEC. 613. JUVENILE SOLITARY CONFINEMENT.

(a) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''§ 5043. Juvenile solitary confinement

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered juvenile' means—

''(A) a juvenile who—

''(i) is being proceeded against under this chapter for an alleged act of juvenile delinquency; or

''(ii) has been adjudicated delinquent under this chapter; or

''(B) a juvenile who is being proceeded against as an adult in a district court of the United States for an alleged criminal offense;

''(2) the term 'juvenile facility' means any facility where covered juveniles are—

''(A) committed pursuant to an adjudication of delinquency under this chapter; or

''(B) detained prior to disposition or conviction; and

''(3) the term 'room confinement' means the involuntary placement of a covered juvenile alone in a cell, room, or other area for any reason.

''(b) PROHIBITION ON ROOM CONFINEMENT IN JUVENILE FACILITIES.—

''(1) IN GENERAL.—The use of room confinement at a juvenile facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a covered juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile, is prohibited.

''(2) JUVENILES POSING RISK OF HARM.—

''(A) REQUIREMENT TO USE LEAST RESTRICTIVE TECHNIQUES.—

''(i) IN GENERAL.—Before a staff member of a juvenile facility places a covered juvenile in room confinement, the staff member shall attempt to use less restrictive techniques, including—

''(I) talking with the covered juvenile in an attempt to de-escalate the situation; and

''(II) permitting a qualified mental health professional to talk to the covered juvenile.

''(ii) EXPLANATION.—If, after attempting to use less restrictive techniques as required under clause (i), a staff member of a juvenile facility decides to place a covered juvenile in room confinement, the staff member shall first—

''(I) explain to the covered juvenile the reasons for the room confinement; and

''(II) inform the covered juvenile that release from room confinement will occur—

''(aa) immediately when the covered juvenile regains self-control, as described in subparagraph (B)(i); or

''(bb) not later than after the expiration of the time period described in subclause (I) or (II) of subparagraph (B)(ii), as applicable.

''(B) MAXIMUM PERIOD OF CONFINEMENT.—If a covered juvenile is placed in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others, the covered juvenile shall be released—

''(i) immediately when the covered juvenile has sufficiently gained control so as to no longer engage in behavior that threatens serious and immediate risk of physical harm to himself or herself, or to others; or

''(ii) if a covered juvenile does not sufficiently gain control as described in clause (i), not later than—

''(I) 3 hours after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm to others; or

''(II) 30 minutes after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm only to himself or herself.

''(C) RISK OF HARM AFTER MAXIMUM PERIOD OF CONFINEMENT.—If, after the applicable maximum period of confinement under subclause (I) or (II) of subparagraph (B)(ii) has expired, a covered juvenile continues to pose a serious and immediate risk of physical harm described in that subclause—

''(i) the covered juvenile shall be transferred to another juvenile facility or internal location where services can be provided to the covered juvenile without relying on room confinement; or

''(ii) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the juvenile facility shall initiate a referral to a location that can meet the needs of the covered juvenile.

''(D) SPIRIT AND PURPOSE.—The use of consecutive periods of room confinement to evade the spirit and purpose of this subsection shall be prohibited.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''5043. Juvenile solitary confinement.''.

TITLE VII—FAIRNESS FOR CRIME VICTIMS

SEC. 701. SHORT TITLE.

This title may be cited as the ''Fairness for Crime Victims Act of 2018''.

SEC. 702. POINT OF ORDER AGAINST CERTAIN CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

(a) FINDINGS.—Congress finds that—

(1) the Crime Victims Fund was created in 1984, with the support of overwhelming bipartisan majorities in the House of Representatives and the Senate and the support of President Ronald Reagan, who signed the Victims of Crime Act of 1984 (Public Law 98–473) into law;

(2) the Crime Victims Fund was created based on the principle that funds the Federal Government collects from those convicted of crime should be used to aid those who have been victimized by crime;

(3) the Crime Victims Fund is funded from fines, penalties, and forfeited bonds in Federal court and private donations;

(4) the Crime Victims Fund receives no taxpayer dollars;

(5) Federal law provides that funds deposited into the Crime Victims Fund shall be used to provide services to victims of crime in accordance with the Victims of Crime Act of 1984;

(6) the Victims of Crime Act of 1984 gives priority to victims of child abuse, sexual assault, and domestic violence;

(7) since fiscal year 2000, Congress has been taking funds collected by the Crime Victims Fund and not disbursing the full amount provided for under the Victims of Crime Act of 1984;

(8) over $10,000,000,000 has been withheld from victims of child abuse, sexual assault, domestic violence, and other crimes;

(9) from fiscal year 2010 through fiscal year 2014, the Crime Victims Fund collected $12,000,000,000, but Congress disbursed only $3,600,000,000 (or 30 percent) to victims of crime;

(10) since fiscal year 2015, Congress has increased disbursals from the Crime Victims Fund to victims of crime, but a permanent solution is necessary to ensure consistent disbursals to victims of crime who rely on these funds every year;

(11) under budget rules, Congress represents that the money it has already spent in prior years is still in the Crime Victims Fund and available for victims of crime;

(12) it is time to restore fairness to crime victims; and

(13) funds collected by the Crime Victims Fund should be used for services to crime victims in accordance with the Victims of Crime Act of 1984.

(b) AMENDMENT.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''SEC. 441. POINT OF ORDER AGAINST CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

''(a) DEFINITIONS.—In this section—

''(1) the term 'CHIMP' means a provision that—

''(A) would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) (as

in effect prior to September 30, 2002) if the provision was included in legislation other than an appropriation Act; and

''(B) results in a net decrease in budget authority in the current year or the budget year, but does not result in a net decrease in outlays over the period of the total of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget;

''(2) the term 'Crime Victims Fund' means the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101); and

''(3) the term '3-year average amount' means the annual average amount that was deposited into the Crime Victims Fund during the 3-fiscal-year period beginning on October 1 of the fourth fiscal year before the fiscal year to which a CHIMP affecting the Crime Victims Fund applies.

''(b) POINT OF ORDER IN THE SENATE.—

''(1) POINT OF ORDER.—

''(A) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill or joint resolution making appropriations for all or a portion of a fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, that contains a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount.

''(B) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in subparagraph (A), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

''(2) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e).

''(3) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

''(4) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this subsection may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chose and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

''(5) DETERMINATION.—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the Senate.

''(c) POINT OF ORDER IN THE HOUSE OF REPRESENTATIVES.—

''(1) IN GENERAL.—A provision in a bill or joint resolution making appropriations for a fiscal year that proposes a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount shall not be in order in the House of Representatives.

''(2) AMENDMENTS AND CONFERENCE REPORTS.—It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making appropriations for a fiscal year if such amendment thereto or conference report thereon proposes a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount.

''(3) DETERMINATION.—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the House of Representatives.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 428 the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''Sec. 441. Point of order against changes in mandatory programs affecting the Crime Victims Fund.''.

SA 4130. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 12, strike line 22 and all that follows through page 24, line 24, and insert the following:

''(i) Section 32, relating to destruction of aircraft or aircraft facilities.

''(ii) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(iii) Section 36, relating to drive-by shootings.

''(iv) Section 81, relating to arson within special maritime and territorial jurisdiction.

''(v) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(vi) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(vii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(viii) Section 116, relating to female genital mutilation.

''(ix) Section 117, relating to domestic assault by a habitual offender.

''(x) Any section of chapter 10, relating to biological weapons.

''(xi) Any section of chapter 11B, relating to chemical weapons.

''(xii) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(xiii) Section 521, relating to criminal street gangs.

''(xiv) Section 751, relating to prisoners in custody of an institution or officer.

''(xv) Section 793, relating to gathering, transmitting, or losing defense information.

''(xvi) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xviii) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

''(xix) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xx) Section 871, relating to threats against the President and successors to the Presidency.

''(xxi) Section 879, relating to threats against former Presidents and certain other persons.

''(xxii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xxiii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xxiv) Section 1091, relating to genocide.

''(xxv) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xxvi) Any section of chapter 55, relating to kidnapping.

''(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxviii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxix) Section 1791, relating to providing or possessing contraband in prison.

''(xxx) Section 1792, relating to mutiny and riots.

''(xxxi) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxxii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxxiii) Section 2113(e), relating to bank robbery resulting in death.

''(xxxiv) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxxv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

''(xxxvi) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxvii) Any section of chapter 109A, relating to sexual abuse.

''(xxxviii) Section 2250, relating to failure to register as a sex offender.

''(xxxix) Section 2251, relating to the sexual exploitation of children.

''(xl) Section 2251A, relating to the selling or buying of children.

''(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xlii) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xliii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xliv) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xlv) Section 2284, relating to the transportation of terrorists.

''(xlvi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlvii) Any section of chapter 113B, relating to terrorism.

''(xlviii) Section 2340A, relating to torture.

''(xlix) Section 2381, relating to treason.

''(l) Section 2442, relating to the recruitment or use of child soldiers.

''(li) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(lii) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(liii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(liv) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(lv) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(lvi) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(lvii) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lviii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

SA 4131. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 12, strike line 22 and all that follows through page 57, line 8, and insert the following:

''(i) Section 32, relating to destruction of aircraft or aircraft facilities.

''(ii) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(iii) Section 36, relating to drive-by shootings.

''(iv) Section 81, relating to arson within special maritime and territorial jurisdiction.

''(v) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(vi) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(vii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(viii) Section 116, relating to female genital mutilation.

''(ix) Section 117, relating to domestic assault by a habitual offender.

''(x) Any section of chapter 10, relating to biological weapons.

''(xi) Any section of chapter 11B, relating to chemical weapons.

''(xii) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(xiii) Section 521, relating to criminal street gangs.

''(xiv) Section 751, relating to prisoners in custody of an institution or officer.

''(xv) Section 793, relating to gathering, transmitting, or losing defense information.

''(xvi) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xviii) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

''(xix) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xx) Section 871, relating to threats against the President and successors to the Presidency.

''(xxi) Section 879, relating to threats against former Presidents and certain other persons.

''(xxii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xxiii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xxiv) Section 1091, relating to genocide.

''(xxv) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xxvi) Any section of chapter 55, relating to kidnapping.

''(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxviii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxix) Section 1791, relating to providing or possessing contraband in prison.

''(xxx) Section 1792, relating to mutiny and riots.

''(xxxi) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxxii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxxiii) Section 2113(e), relating to bank robbery resulting in death.

''(xxxiv) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxxv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

''(xxxvi) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxvii) Any section of chapter 109A, relating to sexual abuse.

''(xxxviii) Section 2250, relating to failure to register as a sex offender.

''(xxxix) Section 2251, relating to the sexual exploitation of children.

''(xl) Section 2251A, relating to the selling or buying of children.

''(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xlii) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xliii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xliv) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xlv) Section 2284, relating to the transportation of terrorists.

''(xlvi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlvii) Any section of chapter 113B, relating to terrorism.

''(xlviii) Section 2340A, relating to torture.

''(xlix) Section 2381, relating to treason.

''(l) Section 2442, relating to the recruitment or use of child soldiers.

''(li) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(lii) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(liii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(liv) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(lv) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(lvi) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(lvii) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lviii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(E) DEPORTABLE PRISONERS INELIGIBLE TO APPLY TIME CREDITS.—

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

''(ii) PROCEEDINGS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early as practicable during the prisoner's incarceration.

''(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

''(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

''(1) general levels of violations and resulting reductions;

''(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not

include any future time credits that the prisoner may earn; and

''(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

''(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include—

''(1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

''(2) continuing education;

''(3) periodic training updates; and

''(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

''(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

''(h) DYSLEXIA SCREENING.—

''(1) SCREENING.—The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during—

''(A) the intake process; and

''(B) each periodic risk reassessment of a prisoner.

''(2) TREATMENT.—The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

''§ 3633. Evidence-based recidivism reduction program and recommendations

''(a) IN GENERAL.—Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall—

''(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;

''(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

''(3) identify the most effective evidence-based recidivism reduction programs;

''(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

''(5) direct the Bureau of Prisons regarding—

''(A) evidence-based recidivism reduction programs;

''(B) the ability for faith-based organizations to function as a provider of educational evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

''(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

''(b) REVIEW AND RECOMMENDATIONS REGARDING DYSLEXIA MITIGATION.—In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by—

''(1) reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

''(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

''§ 3634. Report

''Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

''(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

''(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

''(A) evidence about which programs have been shown to reduce recidivism;

''(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

''(C) identification of any gaps or shortages in capacity of such programs and activities.

''(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

''(A) The primary offense of conviction.

''(B) The length of the sentence imposed and served.

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

''(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

''(E) The prisoner's assessed and reassessed risk of recidivism.

''(F) The productive activities that the prisoner successfully completed, if any.

''(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

''(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

''(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

''(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

''(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

''(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with—

''(A) the transfer of prisoners into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

''(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

''(7) An assessment of budgetary savings resulting from this subchapter, including—

''(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

''(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

''(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other—

''(i) Federal, State, and local law enforcement activities; and

''(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

''(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter 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.

''(8) Statistics on—

''(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

''(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

''§ 3635. Definitions

''In this subchapter the following definitions apply:

''(1) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

''(2) DYSLEXIA SCREENING PROGRAM.—The term 'dyslexia screening program' means a screening program for dyslexia that is—

''(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

''(B) efficient and low-cost; and

''(C) readily available.

''(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

''(B) is designed to help prisoners succeed in their communities upon release from prison; and

''(C) may include—

''(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

''(ii) family relationship building, structured parent-child interaction, and parenting skills;

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

''(ix) faith-based classes or services;

''(x) civic engagement and reintegrative community services;

''(xi) a prison job, including through a prison work program;

''(xii) victim impact classes or other restorative justice programs; and

''(xiii) trauma counseling and trauma-informed support programs.

''(4) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

''(5) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.

''(6) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

''(A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

''(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

''(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''D. Risk and Needs Assessment ..... 3631''.

SEC. 102. IMPLEMENTATION OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

''(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

''(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

''(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

''(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

''(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

''(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

''(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

''(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

''(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

''(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

''(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

''(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

''(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

''(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.''.

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(A) in subsection (b)(1)—

(i) by striking '', beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term,'' and inserting ''of up to 54 days for each year of the prisoner's sentence imposed by the court,''; and

(ii) by striking ''credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence'' and inserting ''credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment''; and

(B) by adding at the end the following:

''(g) PRERELEASE CUSTODY OR SUPERVISED RELEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

''(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

''(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

''(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

''(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

''(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner—

''(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

''(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that—

''(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

''(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

''(cc) the prisoner is unlikely to recidivate; or

''(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

''(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

''(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

''(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

''(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

''(3) SUPERVISED RELEASE.—If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.

''(4) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

''(5) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(6) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining—

''(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

''(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

''(7) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall—

''(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

''(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

''(8) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

''(9) MENTORING, REENTRY, AND SPIRITUAL SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner.

''(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

''(11) PRERELEASE CUSTODY CAPACITY.—The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987.

SEC. 103. GAO REPORT.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621 of title 18, United States Code.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code, as added by section 101(a) of this Act.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3632(f) of title 18, United States Code, as added by section 101(a) of this Act.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody or supervised release as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $75,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 3621(h) of title 18, United States Code, as added by section 102(a) of this Act.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions in recidivism that result from this title should be reinvested—

(1) to supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials, including for the adoption of innovative technologies and information sharing capabilities;

(2) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(3) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States or to amend or affect the enforcement of the immigration laws, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are

offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in explicitly religious

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SA 4132. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''First Step Act of 2018''.

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

TITLE I—RECIDIVISM REDUCTION

SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Chapter 229 of title 18, United States Code, is amended by inserting after subchapter C the following:

''SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

''§ 3631. Duties of the Attorney General

''(a) IN GENERAL.—The Attorney General shall carry out this subchapter in consultation with—

''(1) the Director of the Bureau of Prisons;

''(2) the Director of the Administrative Office of the United States Courts;

''(3) the Director of the Office of Probation and Pretrial Services;

''(4) the Director of the National Institute of Justice;

''(5) the Director of the National Institute of Corrections; and

''(6) the Independent Review Committee authorized by the First Step Act of 2018.

''(b) DUTIES.—The Attorney General shall—

''(1) conduct a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this subchapter;

''(2) develop recommendations regarding evidence-based recidivism reduction programs and productive activities in accordance with section 3633;

''(3) conduct ongoing research and data analysis on—

''(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

''(B) the most effective and efficient uses of such programs;

''(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

''(D) products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States;

''(4) on an annual basis, review, validate, and release publicly on the Department of Justice website the risk and needs assessment system, which review shall include—

''(A) any subsequent changes to the risk and needs assessment system made after the date of enactment of this subchapter;

''(B) the recommendations developed under paragraph (2), using the research conducted under paragraph (3);

''(C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;

''(D) statistical validation of any tools that the risk and needs assessment system uses; and

''(E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates;

''(5) make any revisions or updates to the risk and needs assessment system that the Attorney General determines appropriate pursuant to the review under paragraph (4), including updates to ensure that any disparities identified in paragraph (4)(E) are reduced to the greatest extent possible; and

''(6) report to Congress in accordance with section 3634.

''§ 3632. Development of risk and needs assessment system

''(a) IN GENERAL.—Not later than 210 days after the date of enactment of this subchapter, the Attorney General, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, shall develop and release publicly on the Department of Justice website a risk and needs assessment system (referred to in this subchapter as the 'System'), which shall be used to—

''(1) determine the recidivism risk of each prisoner as part of the intake process, and classify each prisoner as having minimum, low, medium, or high risk for recidivism;

''(2) assess and determine, to the extent practicable, the risk of violent or serious misconduct of each prisoner;

''(3) determine the type and amount of evidence-based recidivism reduction programming that is appropriate for each prisoner and assign each prisoner to such programming accordingly, and based on the prisoner's specific criminogenic needs, and in accordance with subsection (b);

''(4) reassess the recidivism risk of each prisoner periodically, based on factors including indicators of progress, and of regression, that are dynamic and that can reasonably be expected to change while in prison;

''(5) reassign the prisoner to appropriate evidence-based recidivism reduction programs or productive activities based on the revised determination to ensure that—

''(A) all prisoners at each risk level have a meaningful opportunity to reduce their classification during the period of incarceration;

''(B) to address the specific criminogenic needs of the prisoner; and

''(C) all prisoners are able to successfully participate in such programs;

''(6) determine when to provide incentives and rewards for successful participation in evidence-based recidivism reduction programs or productive activities in accordance with subsection (e);

''(7) determine when a prisoner is ready to transfer into prerelease custody or supervised release in accordance with section 3624; and

''(8) determine the appropriate use of audio technology for program course materials with an understanding of dyslexia.

In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate.

''(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS.—The System shall provide guidance on the type, amount, and intensity of evidence-based recidivism reduction programming and productive activities that shall be assigned for each prisoner, including—

''(1) programs in which the Bureau of Prisons shall assign the prisoner to participate, according to the prisoner's specific criminogenic needs; and

''(2) information on the best ways that the Bureau of Prisons can tailor the programs to the specific criminogenic needs of each prisoner so as to most effectively lower each prisoner's risk of recidivism.

''(c) HOUSING AND ASSIGNMENT DECISIONS.—The System shall provide guidance on program grouping and housing assignment determinations and, after accounting for the safety of each prisoner and other individuals at the prison, provide that prisoners with a similar risk level be grouped together in housing and assignment decisions to the extent practicable.

''(d) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES REWARDS.—The System shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

''(1) PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive—

''(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

''(B) additional time for visitation at the prison, as determined by the warden of the prison.

''(2) TRANSFER TO INSTITUTION CLOSER TO RELEASE RESIDENCE.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to—

''(A) bed availability at the transfer facility;

''(B) the prisoner's security designation; and

''(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request.

''(3) ADDITIONAL POLICIES.—The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming. The incentives shall include not less than 2 of the following:

''(A) Increased commissary spending limits and product offerings.

''(B) Extended opportunities to access the email system.

''(C) Consideration of transfer to preferred housing units (including transfer to different prison facilities).

''(D) Other incentives solicited from prisoners and determined appropriate by the Director.

''(4) TIME CREDITS.—

''(A) IN GENERAL.—A prisoner, except for an ineligible prisoner under subparagraph (D), who successfully completes evidence-based recidivism reduction programming or productive activities, shall earn time credits as follows:

''(i) A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(B) AVAILABILITY.—A prisoner may not earn time credits under this paragraph for an evidence-based recidivism reduction program that the prisoner successfully completed—

''(i) prior to the date of enactment of this subchapter; or

''(ii) during official detention prior to the date that the prisoner's sentence commences under section 3585(a).

''(C) APPLICATION OF TIME CREDITS TOWARD PRERELEASE CUSTODY OR SUPERVISED RELEASE.—Time credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities shall be applied toward time in prerelease custody or supervised release. The Director of the Bureau of Prisons shall transfer eligible prisoners, as determined under section 3624(g), into prerelease custody or supervised release.

''(D) INELIGIBLE PRISONERS.—A prisoner is ineligible to receive time credits under this paragraph if the prisoner is serving a sentence for a conviction under any of the following provisions of law:

''(i) Section 32, relating to destruction of aircraft or aircraft facilities.

''(ii) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(iii) Section 36, relating to drive-by shootings.

''(iv) Section 81, relating to arson within special maritime and territorial jurisdiction.

''(v) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(vi) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(vii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(viii) Section 116, relating to female genital mutilation.

''(ix) Section 117, relating to domestic assault by a habitual offender.

''(x) Any section of chapter 10, relating to biological weapons.

''(xi) Any section of chapter 11B, relating to chemical weapons.

''(xii) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(xiii) Section 521, relating to criminal street gangs.

''(xiv) Section 751, relating to prisoners in custody of an institution or officer.

''(xv) Section 793, relating to gathering, transmitting, or losing defense information.

''(xvi) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xviii) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

''(xix) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xx) Section 871, relating to threats against the President and successors to the Presidency.

''(xxi) Section 879, relating to threats against former Presidents and certain other persons.

''(xxii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xxiii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xxiv) Section 1091, relating to genocide.

''(xxv) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xxvi) Any section of chapter 55, relating to kidnapping.

''(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxviii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxix) Section 1791, relating to providing or possessing contraband in prison.

''(xxx) Section 1792, relating to mutiny and riots.

''(xxxi) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxxii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxxiii) Section 2113(e), relating to bank robbery resulting in death.

''(xxxiv) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxxv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

''(xxxvi) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxvii) Any section of chapter 109A, relating to sexual abuse.

''(xxxviii) Section 2250, relating to failure to register as a sex offender.

''(xxxix) Section 2251, relating to the sexual exploitation of children.

''(xl) Section 2251A, relating to the selling or buying of children.

''(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xlii) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xliii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xliv) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xlv) Section 2284, relating to the transportation of terrorists.

''(xlvi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlvii) Any section of chapter 113B, relating to terrorism.

''(xlviii) Section 2340A, relating to torture.

''(xlix) Section 2381, relating to treason.

''(l) Section 2442, relating to the recruitment or use of child soldiers.

''(li) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever

designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(lii) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(liii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(liv) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(lv) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(lvi) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(lvii) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lviii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(E) DEPORTABLE PRISONERS INELIGIBLE TO APPLY TIME CREDITS.—

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

''(ii) PROCEEDINGS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early as practicable during the prisoner's incarceration.

''(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

''(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

''(1) general levels of violations and resulting reductions;

''(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

''(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

''(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include—

''(1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

''(2) continuing education;

''(3) periodic training updates; and

''(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

''(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

''(h) DYSLEXIA SCREENING.—

''(1) SCREENING.—The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during—

''(A) the intake process; and

''(B) each periodic risk reassessment of a prisoner.

''(2) TREATMENT.—The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

''§ 3633. Evidence-based recidivism reduction program and recommendations

''(a) IN GENERAL.—Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall—

''(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;

''(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

''(3) identify the most effective evidence-based recidivism reduction programs;

''(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

''(5) direct the Bureau of Prisons regarding—

''(A) evidence-based recidivism reduction programs;

''(B) the ability for faith-based organizations to function as a provider of educational

evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

''(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

''(b) REVIEW AND RECOMMENDATIONS REGARDING DYSLEXIA MITIGATION.—In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by—

''(1) reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

''(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

''§ 3634. Report

''Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

''(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

''(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

''(A) evidence about which programs have been shown to reduce recidivism;

''(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

''(C) identification of any gaps or shortages in capacity of such programs and activities.

''(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

''(A) The primary offense of conviction.

''(B) The length of the sentence imposed and served.

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

''(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

''(E) The prisoner's assessed and reassessed risk of recidivism.

''(F) The productive activities that the prisoner successfully completed, if any.

''(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

''(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

''(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

''(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

''(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

''(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with—

''(A) the transfer of prisoners into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

''(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

''(7) An assessment of budgetary savings resulting from this subchapter, including—

''(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

''(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

''(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other—

''(i) Federal, State, and local law enforcement activities; and

''(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

''(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter 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.

''(8) Statistics on—

''(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

''(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

''§ 3635. Definitions

''In this subchapter the following definitions apply:

''(1) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

''(2) DYSLEXIA SCREENING PROGRAM.—The term 'dyslexia screening program' means a screening program for dyslexia that is—

''(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

''(B) efficient and low-cost; and

''(C) readily available.

''(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

''(B) is designed to help prisoners succeed in their communities upon release from prison; and

''(C) may include—

''(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

''(ii) family relationship building, structured parent-child interaction, and parenting skills;

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

''(ix) faith-based classes or services;

''(x) civic engagement and reintegrative community services;

''(xi) a prison job, including through a prison work program;

''(xii) victim impact classes or other restorative justice programs; and

''(xiii) trauma counseling and trauma-informed support programs.

''(4) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

''(5) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.

''(6) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

''(A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

''(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

''(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''D. Risk and Needs Assessment ..... 3631''.

SEC. 102. IMPLEMENTATION OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

''(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

''(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

''(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

''(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

''(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

''(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

''(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

''(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

''(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

''(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

''(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

''(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

''(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

''(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.''.

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(A) in subsection (b)(1)—

(i) by striking '', beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term,'' and inserting ''of up to 54 days for each year of the prisoner's sentence imposed by the court,''; and

(ii) by striking ''credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence'' and inserting ''credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment''; and

(B) by adding at the end the following:

''(g) PRERELEASE CUSTODY OR SUPERVISED RELEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

''(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

''(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

''(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

''(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

''(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner—

''(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

''(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that—

''(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

''(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

''(cc) the prisoner is unlikely to recidivate; or

''(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

''(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

''(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

''(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

''(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

''(3) SUPERVISED RELEASE.—If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.

''(4) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

''(5) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons

determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(6) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining—

''(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

''(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

''(7) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall—

''(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

''(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

''(8) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

''(9) MENTORING, REENTRY, AND SPIRITUAL SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner.

''(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

''(11) PRERELEASE CUSTODY CAPACITY.—The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987.

SEC. 103. GAO REPORT.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621 of title 18, United States Code.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code, as added by section 101(a) of this Act.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3632(f) of title 18, United States Code, as added by section 101(a) of this Act.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody or supervised release as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $75,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 3621(h) of title 18, United States Code, as added by section 102(a) of this Act.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions in recidivism that result from this title should be reinvested—

(1) to supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials, including for the adoption of innovative technologies and information sharing capabilities;

(2) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(3) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States or to amend or affect the enforcement of the immigration laws, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in explicitly religious activities using direct financial assistance made available under this title or the amendments made by this title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, may be construed to amend any requirement under Federal law or the Constitution of the United States regarding funding for faith-based programs or activities.

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act.

(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a corrections system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

(3) 1 individual with expertise in assessing risk assessment implementation.

(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

(3) conducting research and data analysis on—

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs; and

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(4) reviewing and validating the risk and needs assessment system.

(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

(g) REPORT.—Not later than 1 year after the date of enactment of this Act and annually for each year until the Independent Review Committee terminates under this section, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a public report that includes—

(1) a list of all offenses of conviction for which prisoners were ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each offense the number of prisoners excluded, including demographic percentages by age, race, and sex;

(2) the criminal history categories of prisoners ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each category the number of prisoners excluded, including demographic percentages by age, race, and sex;

(3) the number of prisoners ineligible to apply time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, who do not participate in recidivism reduction programming or productive activities, including the demographic percentages by age, race, and sex;

(4) any recommendations for modifications to section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and any other recommendations regarding recidivism reduction.

(h) TERMINATION.—The Independent Review Committee shall terminate on the date that is 5 years after the date on which the risk and needs assessment system authorized by sections 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, is released.

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 2018''.

SEC. 202. SECURE FIREARMS STORAGE.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§ 4050. Secure firearms storage

''(a) DEFINITIONS.—In this section—

''(1) the term 'employee' means a qualified law enforcement officer employed by the Bureau of Prisons; and

''(2) the terms 'firearm' and 'qualified law enforcement officer' have the meanings given those terms under section 926B.

''(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

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

''(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

''(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''4050. Secure firearms storage.''.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE PERIOD OF PREGNANCY AND POSTPARTUM RECOVERY PROHIBITED.

(a) IN GENERAL.—Chapter 317 of title 18, United States Code, is amended by inserting after section 4321 the following:

''§ 4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited

''(a) PROHIBITION.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a healthcare professional, and ending at the conclusion of postpartum recovery, a prisoner in the custody of the Bureau of Prisons, or in the custody of the United States Marshals Service pursuant to section 4086, shall not be placed in restraints.

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply if—

''(A) an appropriate corrections official, or a United States marshal, as applicable, makes a determination that the prisoner—

''(i) is an immediate and credible flight risk that cannot reasonably be prevented by other means; or

''(ii) poses an immediate and serious threat of harm to herself or others that cannot reasonably be prevented by other means; or

''(B) a healthcare professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the medical safety of the prisoner.

''(2) LEAST RESTRICTIVE RESTRAINTS.—In the case that restraints are used pursuant to an exception under paragraph (1), only the least restrictive restraints necessary to prevent the harm or risk of escape described in paragraph (1) may be used.

''(3) APPLICATION.—

''(A) IN GENERAL.—The exceptions under paragraph (1) may not be applied—

''(i) to place restraints around the ankles, legs, or waist of a prisoner;

''(ii) to restrain a prisoner's hands behind her back;

''(iii) to restrain a prisoner using 4-point restraints; or

''(iv) to attach a prisoner to another prisoner.

''(B) MEDICAL REQUEST.—Notwithstanding paragraph (1), upon the request of a healthcare professional who is responsible for the health and safety of a prisoner, a corrections official or United States marshal, as applicable, shall refrain from using restraints on the prisoner or shall remove restraints used on the prisoner.

''(c) REPORTS.—

''(1) REPORT TO THE DIRECTOR AND HEALTHCARE PROFESSIONAL.—If a corrections official or United States marshal uses restraints on a prisoner under subsection (b)(1), that official or marshal shall submit, not later than 30 days after placing the prisoner in restraints, to the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, and to the healthcare professional responsible for the health and safety of the prisoner, a written report that describes the facts and circumstances surrounding the use of restraints, and includes—

''(A) the reasoning upon which the determination to use restraints was made;

''(B) the details of the use of restraints, including the type of restraints used and length of time during which restraints were used; and

''(C) any resulting physical effects on the prisoner observed by or known to the corrections official or United States marshal, as applicable.

''(2) SUPPLEMENTAL REPORT TO THE DIRECTOR.—Upon receipt of a report under paragraph (1), the healthcare professional responsible for the health and safety of the prisoner may submit to the Director such information as the healthcare professional determines is relevant to the use of restraints on the prisoner.

''(3) REPORT TO JUDICIARY COMMITTEES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each submit to the Judiciary Committee of the Senate and of the House of Representatives a report that certifies compliance with this section and includes the information required to be reported under paragraph (1).

''(B) PERSONALLY IDENTIFIABLE INFORMATION.—The report under this paragraph shall not contain any personally identifiable information of any prisoner.

''(d) NOTICE.—Not later than 48 hours after the confirmation of a prisoner's pregnancy by a healthcare professional, that prisoner shall be notified by an appropriate healthcare professional, corrections official, or United States marshal, as applicable, of the restrictions on the use of restraints under this section.

''(e) VIOLATION REPORTING PROCESS.—The Director of the Bureau of Prisons, in consultation with the Director of the United States Marshals Service, shall establish a process through which a prisoner may report a violation of this section.

''(f) TRAINING.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each develop training guidelines regarding the use of restraints on female prisoners during the period of pregnancy, labor, and postpartum recovery, and shall incorporate such guidelines into appropriate training programs. Such training guidelines shall include—

''(A) how to identify certain symptoms of pregnancy that require immediate referral to a healthcare professional;

''(B) circumstances under which the exceptions under subsection (b) would apply;

''(C) in the case that an exception under subsection (b) applies, how to apply restraints in a way that does not harm the prisoner, the fetus, or the neonate;

''(D) the information required to be reported under subsection (c); and

''(E) the right of a healthcare professional to request that restraints not be used, and the requirement under subsection (b)(3)(B) to comply with such a request.

''(2) DEVELOPMENT OF GUIDELINES.—In developing the guidelines required by paragraph (1), the Directors shall each consult with healthcare professionals with expertise in caring for women during the period of pregnancy and postpartum recovery.

''(g) DEFINITIONS.—For purposes of this section:

''(1) POSTPARTUM RECOVERY.—The term 'postpartum recovery' means the 12-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner, following delivery, and shall include the entire period that the prisoner is in the hospital or infirmary.

''(2) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.

''(3) RESTRAINTS.—The term 'restraints' means any physical or mechanical device used to control the movement of a prisoner's body, limbs, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 317 of title 18, United States Code, is amended by adding after the item relating to section 4321 the following:

''4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited.''.

TITLE IV—SENTENCING REFORM

SEC. 401. REDUCE AND RESTRICT ENHANCED SENTENCING FOR PRIOR DRUG FELONIES.

(a) CONTROLLED SUBSTANCES ACT AMENDMENTS.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102 (21 U.S.C. 802), by adding at the end the following:

''(57) The term 'serious drug felony' means an offense described in section 924(e)(2) of title 18, United States Code, for which—

''(A) the offender served a term of imprisonment of more than 12 months; and

''(B) the offender's release from any term of imprisonment was within 15 years of the commencement of the instant offense.

''(58) The term 'serious violent felony' means—

''(A) an offense described in section 3559(c)(2) of title 18, United States Code, for which the offender served a term of imprisonment of more than 12 months; and

''(B) any offense that would be a felony violation of section 113 of title 18, United States Code, if the offense were committed in the special maritime and territorial jurisdiction of the United States, for which the offender served a term of imprisonment of more than 12 months.''; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1))—

(A) in subparagraph (A), in the matter following clause (viii)—

(i) by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years'' and inserting the following: ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years''; and

(ii) by striking ''after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release'' and inserting the following: ''after 2 or more prior convictions for a serious drug felony or serious violent felony have become final, such person shall be sentenced to a term of imprisonment of not less than 25 years''; and

(B) in subparagraph (B), in the matter following clause (viii), by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final'' and inserting the following: ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT AMENDMENTS.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), in the matter following subparagraph (H), by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not less than 20 years'' and inserting ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years''; and

(2) in paragraph (2), in the matter following subparagraph (H), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''.

(c) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

SEC. 402. BROADENING OF EXISTING SAFETY VALVE.

(a) AMENDMENTS.—Section 3553 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''or section 1010'' and inserting '', section 1010''; and

(ii) by inserting '', or section 70503 or 70506 of title 46'' after ''963)'';

(B) by striking paragraph (1) and inserting the following:

''(1) the defendant does not have—

''(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

''(B) a prior 3-point offense, as determined under the sentencing guidelines; and

''(C) a prior 2-point violent offense, as determined under the sentencing guidelines;''; and

(C) by adding at the end the following:

''Information disclosed by a defendant under this subsection may not be used to enhance the sentence of the defendant unless the information relates to a violent offense.''; and

(2) by adding at the end the following:

''(g) DEFINITION OF VIOLENT OFFENSE.—As used in this section, the term 'violent offense' means a crime of violence, as defined in section 16, that is punishable by imprisonment.''.

(b) APPLICABILITY.—The amendments made by this section shall apply only to a conviction entered on or after the date of enactment of this Act.

SEC. 403. CLARIFICATION OF SECTION 924(c) OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c)(1)(C) of title 18, United States Code, is amended, in the matter preceding clause (i), by striking ''second or subsequent conviction under this subsection'' and inserting ''violation of this subsection that occurs after a prior conviction under this subsection has become final''.

(b) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

SEC. 404. APPLICATION OF FAIR SENTENCING ACT.

(a) DEFINITION OF COVERED OFFENSE.—In this section, the term ''covered offense'' means a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), that was committed before August 3, 2010.

(b) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) were in effect at the time the covered offense was committed.

(c) LIMITATIONS.—No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) or if a previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits. Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.

TITLE V—SECOND CHANCE ACT OF 2007 REAUTHORIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Second Chance Reauthorization Act of 2018''.

SEC. 502. IMPROVEMENTS TO EXISTING PROGRAMS.

(a) REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL DEMONSTRATION PROJECTS.—Section 2976 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to States, local governments, territories, or Indian tribes, or any combination thereof (in this section referred to as an 'eligible entity'), in partnership with interested persons (including Federal corrections and supervision agencies), service providers, and nonprofit organizations for the purpose of strategic planning and implementation of adult and juvenile offender reentry projects.'';

(2) in subsection (b)—

(A) in paragraph (3), by inserting ''or reentry courts,'' after ''community,'';

(B) in paragraph (6), by striking ''and'' at the end;

(C) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(8) promoting employment opportunities consistent with the Transitional Jobs strategy (as defined in section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502)).''; and

(3) by striking subsections (d), (e), and (f) and inserting the following:

''(d) COMBINED GRANT APPLICATION; PRIORITY CONSIDERATION.—

''(1) IN GENERAL.—The Attorney General shall develop a procedure to allow applicants to submit a single application for a planning grant under subsection (e) and an implementation grant under subsection (f).

''(2) PRIORITY CONSIDERATION.—The Attorney General shall give priority consideration to grant applications under subsections (e) and (f) that include a commitment by the applicant to partner with a local evaluator to identify and analyze data that will—

''(A) enable the grantee to target the intended offender population; and

''(B) serve as a baseline for purposes of the evaluation.

''(e) PLANNING GRANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Attorney General may

make a grant to an eligible entity of not more than $75,000 to develop a strategic, collaborative plan for an adult or juvenile offender reentry demonstration project as described in subsection (h) that includes—

''(A) a budget and a budget justification;

''(B) a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health;

''(C) the activities proposed;

''(D) a schedule for completion of the activities described in subparagraph (C); and

''(E) a description of the personnel necessary to complete the activities described in subparagraph (C).

''(2) MAXIMUM TOTAL GRANTS AND GEOGRAPHIC DIVERSITY.—

''(A) MAXIMUM AMOUNT.—The Attorney General may not make initial planning grants and implementation grants to 1 eligible entity in a total amount that is more than a $1,000,000.

''(B) GEOGRAPHIC DIVERSITY.—The Attorney General shall make every effort to ensure equitable geographic distribution of grants under this section and take into consideration the needs of underserved populations, including rural and tribal communities.

''(3) PERIOD OF GRANT.—A planning grant made under this subsection shall be for a period of not longer than 1 year, beginning on the first day of the month in which the planning grant is made.

''(f) IMPLEMENTATION GRANTS.—

''(1) APPLICATIONS.—An eligible entity desiring an implementation grant under this subsection shall submit to the Attorney General an application that—

''(A) contains a reentry strategic plan as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to fund the program after Federal funding is discontinued;

''(B) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

''(C) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this subsection, and specifically explains how such measurements will provide valid measures of the impact of that program; and

''(D) describes how the project could be broadly replicated if demonstrated to be effective.

''(2) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this subsection only if the application—

''(A) reflects explicit support of the chief executive officer, or their designee, of the State, unit of local government, territory, or Indian tribe applying for a grant under this subsection;

''(B) provides discussion of the role of Federal corrections, State corrections departments, community corrections agencies, juvenile justice systems, and tribal or local jail systems in ensuring successful reentry of offenders into their communities;

''(C) provides evidence of collaboration with State, local, or tribal government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

''(D) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community;

''(E) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant;

''(F) provides a plan for continued collaboration with a local evaluator as necessary to meeting the requirements under subsection (h); and

''(G) demonstrates that the applicant participated in the planning grant process or engaged in comparable planning for the reentry project.

''(3) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this subsection that best—

''(A) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

''(B) include—

''(i) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(ii) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities;

''(iii) coordination with families of offenders;

''(iv) input, where appropriate, from the juvenile justice coordinating council of the region;

''(v) input, where appropriate, from the reentry coordinating council of the region; or

''(vi) input, where appropriate, from other interested persons;

''(C) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

''(i) planning for prerelease transitional housing and community release that begins upon admission for juveniles and jail inmates, and, as appropriate, for prison inmates, depending on the length of the sentence;

''(ii) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal, tribal, or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services, including assistance identifying and securing suitable housing; or

''(iii) delivery of continuous and appropriate mental health services, drug treatment, medical care, job training and placement, educational services, vocational services, and any other service or support needed for reentry;

''(D) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

''(E) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs;

''(F) target moderate and high-risk offenders for reentry programs through validated assessment tools; or

''(G) target offenders with histories of homelessness, substance abuse, or mental illness, including a prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support service.

''(4) PERIOD OF GRANT.—A grant made under this subsection shall be effective for a 2-year period—

''(A) beginning on the date on which the planning grant awarded under subsection (e) concludes; or

''(B) in the case of an implementation grant awarded to an eligible entity that did not receive a planning grant, beginning on the date on which the implementation grant is awarded.'';

(4) in subsection (h)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—As a condition of receiving financial assistance under subsection (f), each application shall develop a comprehensive reentry strategic plan that—

''(A) contains a plan to assess inmate reentry needs and measurable annual and 3-year performance outcomes;

''(B) uses, to the maximum extent possible, randomly assigned and controlled studies, or rigorous quasi-experimental studies with matched comparison groups, to determine the effectiveness of the program funded with a grant under subsection (f); and

''(C) includes as a goal of the plan to reduce the rate of recidivism for offenders released from prison, jail or a juvenile facility with funds made available under subsection (f).

''(2) LOCAL EVALUATOR.—A partnership with a local evaluator described in subsection (d)(2) shall require the local evaluator to use the baseline data and target population characteristics developed under a subsection (e) planning grant to derive a target goal for recidivism reduction during the 3-year period beginning on the date of implementation of the program.'';

(5) in subsection (i)(1)—

(A) in the matter preceding subparagraph (A), by striking ''under this section'' and inserting ''under subsection (f)''; and

(B) in subparagraph (B), by striking ''subsection (e)(4)'' and inserting ''subsection (f)(2)(D)'';

(6) in subsection (j)—

(A) in paragraph (1), by inserting ''for an implementation grant under subsection (f)'' after ''applicant'';

(B) in paragraph (2)—

(i) in subparagraph (E), by inserting '', where appropriate'' after ''support''; and

(ii) by striking subparagraphs (F), (G), and (H), and inserting the following:

''(F) increased number of staff trained to administer reentry services;

''(G) increased proportion of individuals served by the program among those eligible to receive services;

''(H) increased number of individuals receiving risk screening needs assessment, and case planning services;

''(I) increased enrollment in, and completion of treatment services, including substance abuse and mental health services among those assessed as needing such services;

''(J) increased enrollment in and degrees earned from educational programs, including high school, GED, vocational training, and college education;

''(K) increased number of individuals obtaining and retaining employment;

''(L) increased number of individuals obtaining and maintaining housing;

''(M) increased self-reports of successful community living, including stability of living situation and positive family relationships;

''(N) reduction in drug and alcohol use; and

''(O) reduction in recidivism rates for individuals receiving reentry services after release, as compared to either baseline recidivism rates in the jurisdiction of the grantee or recidivism rates of the control or comparison group.'';

(C) in paragraph (3), by striking ''facilities.'' and inserting ''facilities, including a cost-benefit analysis to determine the cost effectiveness of the reentry program.'';

(D) in paragraph (4), by striking ''this section'' and inserting ''subsection (f)''; and

(E) in paragraph (5), by striking ''this section'' and inserting ''subsection (f)'';

(7) in subsection (k)(1), by striking ''this section'' each place the term appears and inserting ''subsection (f)'';

(8) in subsection (l)—

(A) in paragraph (2), by inserting ''beginning on the date on which the most recent implementation grant is made to the grantee under subsection (f)'' after ''2-year period''; and

(B) in paragraph (4), by striking ''over a 2-year period'' and inserting ''during the 2-year period described in paragraph (2)'';

(9) in subsection (o)(1), by striking ''appropriated'' and all that follows and inserting the following: ''appropriated $35,000,000 for each of fiscal years 2019 through 2023.''; and

(10) by adding at the end the following:

''(p) DEFINITION.—In this section, the term 'reentry court' means a program that—

''(1) monitors juvenile and adult eligible offenders reentering the community;

''(2) provides continual judicial supervision;

''(3) provides juvenile and adult eligible offenders reentering the community with coordinated and comprehensive reentry services and programs, such as—

''(A) drug and alcohol testing and assessment for treatment;

''(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

''(C) substance abuse treatment, including medication-assisted treatment, from a provider that is approved by the State or Indian tribe, and licensed, if necessary, to provide medical and other health services;

''(D) health (including mental health) services and assessment;

''(E) aftercare and case management services that—

''(i) facilitate access to clinical care and related health services; and

''(ii) coordinate with such clinical care and related health services; and

''(F) any other services needed for reentry;

''(4) convenes community impact panels, victim impact panels, or victim impact educational classes;

''(5) provides and coordinates the delivery of community services to juvenile and adult eligible offenders, including—

''(A) housing assistance;

''(B) education;

''(C) job training;

''(D) conflict resolution skills training;

''(E) batterer intervention programs; and

''(F) other appropriate social services; and

''(6) establishes and implements graduated sanctions and incentives.''.

(b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT.—Part DD of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10591 et seq.) is amended—

(1) in section 2921 (34 U.S.C. 10591), in the matter preceding paragraph (1), by inserting ''nonprofit organizations,'' before ''and Indian'';

(2) in section 2923 (34 U.S.C. 10593), by adding at the end the following:

''(c) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority consideration to grant applications for grants under section 2921 that are submitted by a nonprofit organization that demonstrates a relationship with State and local criminal justice agencies, including—

''(1) within the judiciary and prosecutorial agencies; or

''(2) with the local corrections agencies, which shall be documented by a written agreement that details the terms of access to facilities and participants and provides information on the history of the organization of working with correctional populations.''; and

(3) by striking section 2926(a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2019 through 2023.''.

(c) GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the second part designated as part JJ, as added by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 677), relating to grants to evaluate and improve educational methods at prisons, jails, and juvenile facilities;

(2) by adding at the end the following:

''PART NN—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

''SEC. 3041. GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

''(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities;

''(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1);

''(3) improve the academic and vocational education programs (including technology career training) available to offenders in prisons, jails, and juvenile facilities; and

''(4) implement methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities consistent with the best practices identified in subsection (c).

''(b) APPLICATION.—To be eligible for a grant under this part, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

''(c) BEST PRACTICES.—Not later than 180 days after the date of enactment of the Second Chance Reauthorization Act of 2018, the Attorney General shall identify and publish best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities. The best practices shall consider the evaluations performed and recommendations made under grants made under subsection (a) before the date of enactment of the Second Chance Reauthorization Act of 2018.

''(d) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this part, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this part.''; and

(3) in section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)), by adding at the end the following:

''(28) There are authorized to be appropriated to carry out section 3031(a)(4) of part NN $5,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.''.

(d) CAREERS TRAINING DEMONSTRATION GRANTS.—Section 115 of the Second Chance Act of 2007 (34 U.S.C. 60511) is amended—

(1) in the heading, by striking ''**TECHNOLOGY CAREERS**'' and inserting ''**CAREERS**'';

(2) in subsection (a)—

(A) by striking ''and Indian'' and inserting ''nonprofit organizations, and Indian''; and

(B) by striking ''technology career training to prisoners'' and inserting ''career training, including subsidized employment, when part of a training program, to prisoners and reentering youth and adults'';

(3) in subsection (b)—

(A) by striking ''technology careers training'';

(B) by striking ''technology-based''; and

(C) by inserting '', as well as upon transition and reentry into the community'' after ''facility'';

(4) by striking subsection (e);

(5) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(6) by inserting after subsection (b) the following:

''(c) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

''(1) provides assessment of local demand for employees in the geographic areas to which offenders are likely to return;

''(2) conducts individualized reentry career planning upon the start of incarceration or post-release employment planning for each offender served under the grant;

''(3) demonstrates connections to employers within the local community; or

''(4) tracks and monitors employment outcomes.''; and

(7) by adding at the end the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.''.

(e) OFFENDER REENTRY SUBSTANCE ABUSE AND CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section 201(f)(1) of the Second Chance Act of 2007 (34 U.S.C. 60521(f)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2019 through 2023.''.

(f) COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Section 211 of the Second Chance Act of 2007 (34 U.S.C. 60531) is amended—

(A) in the header, by striking ''**MENTORING GRANTS TO NONPROFIT ORGANIZATIONS**'' and inserting ''**COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS**'';

(B) in subsection (a), by striking ''mentoring and other'';

(C) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) transitional services to assist in the reintegration of offenders into the community, including—

''(A) educational, literacy, and vocational, services and the Transitional Jobs strategy;

''(B) substance abuse treatment and services;

''(C) coordinated supervision and services for offenders, including physical health care

and comprehensive housing and mental health care;

''(D) family services; and

''(E) validated assessment tools to assess the risk factors of returning inmates; and''; and

(D) in subsection (f), by striking ''this section'' and all that follows and inserting the following: ''this section $15,000,000 for each of fiscal years 2019 through 2023.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 211 and inserting the following:

''Sec. 211. Community-based mentoring and transitional service grants.''.

(g) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502) is amended to read as follows:

''SEC. 4. DEFINITIONS.

''In this Act—

''(1) the term 'exoneree' means an individual who—

''(A) has been convicted of a Federal, tribal, or State offense that is punishable by a term of imprisonment of more than 1 year;

''(B) has served a term of imprisonment for not less than 6 months in a Federal, tribal, or State prison or correctional facility as a result of the conviction described in subparagraph (A); and

''(C) has been determined to be factually innocent of the offense described in subparagraph (A);

''(2) the term 'Indian tribe' has the meaning given in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251);

''(3) the term 'offender' includes an exoneree; and

''(4) the term 'Transitional Jobs strategy' means an employment strategy for youth and adults who are chronically unemployed or those that have barriers to employment that—

''(A) is conducted by State, tribal, and local governments, State, tribal, and local workforce boards, and nonprofit organizations;

''(B) provides time-limited employment using individual placements, team placements, and social enterprise placements, without displacing existing employees;

''(C) pays wages in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, which are subsidized, in whole or in part, by public funds;

''(D) combines time-limited employment with activities that promote skill development, remove barriers to employment, and lead to unsubsidized employment such as a thorough orientation and individual assessment, job readiness and life skills training, case management and supportive services, adult education and training, child support-related services, job retention support and incentives, and other similar activities;

''(E) places participants into unsubsidized employment; and

''(F) provides job retention, re-employment services, and continuing and vocational education to ensure continuing participation in unsubsidized employment and identification of opportunities for advancement.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 4 and inserting the following:

''Sec. 4. Definitions.''.

(h) EXTENSION OF THE LENGTH OF SECTION 2976 GRANTS.—Section 6(1) of the Second Chance Act of 2007 (34 U.S.C. 60504(1)) is amended by inserting ''or under section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631)'' after ''and 212''.

SEC. 503. AUDIT AND ACCOUNTABILITY OF GRANTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''covered grant program'' means grants awarded under section 115, 201, or 211 of the Second Chance Act of 2007 (34 U.S.C. 60511, 60521, and 60531), as amended by this title;

(2) the term ''covered grantee'' means a recipient of a grant from a covered grant program;

(3) the term ''nonprofit'', when used with respect to an organization, means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code; and

(4) the term ''unresolved audit finding'' means an audit report finding in a final audit report of the Inspector General of the Department of Justice that a covered grantee has used grant funds awarded to that grantee under a covered grant program for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during a 12-month period prior to the date on which the final audit report is issued.

(b) AUDIT REQUIREMENT.—Beginning in fiscal year 2019, and annually thereafter, the Inspector General of the Department of Justice shall conduct audits of covered grantees to prevent waste, fraud, and abuse of funds awarded under covered grant programs. The Inspector General shall determine the appropriate number of covered grantees to be audited each year.

(c) MANDATORY EXCLUSION.—A grantee that is found to have an unresolved audit finding under an audit conducted under subsection (b) may not receive grant funds under a covered grant program in the fiscal year following the fiscal year to which the finding relates.

(d) REIMBURSEMENT.—If a covered grantee is awarded funds under the covered grant program from which it received a grant award during the 1-fiscal-year period during which the covered grantee is ineligible for an allocation of grant funds under subsection (c), the Attorney General shall—

(1) deposit into the General Fund of the Treasury an amount that is equal to the amount of the grant funds that were improperly awarded to the covered grantee; and

(2) seek to recoup the costs of the repayment to the Fund from the covered grantee that was improperly awarded the grant funds.

(e) PRIORITY OF GRANT AWARDS.—The Attorney General, in awarding grants under a covered grant program shall give priority to eligible entities that during the 2-year period preceding the application for a grant have not been found to have an unresolved audit finding.

(f) NONPROFIT REQUIREMENTS.—

(1) PROHIBITION.—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax described in section 511(a) of the Internal Revenue Code of 1986, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.

(2) DISCLOSURE.—Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied on to determine such compensation.

(g) PROHIBITION ON LOBBYING ACTIVITY.—

(1) IN GENERAL.—Amounts made available under a covered grant program may not be used by any covered grantee to—

(A) lobby any representative of the Department of Justice regarding the award of grant funding; or

(B) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(2) PENALTY.—If the Attorney General determines that a covered grantee has violated paragraph (1), the Attorney General shall—

(A) require the covered grantee to repay the grant in full; and

(B) prohibit the covered grantee from receiving a grant under the covered grant program from which it received a grant award during at least the 5-year period beginning on the date of such violation.

SEC. 504. FEDERAL REENTRY IMPROVEMENTS.

(a) RESPONSIBLE REINTEGRATION OF OFFENDERS.—Section 212 of the Second Chance Act of 2007 (34 U.S.C. 60532) is repealed.

(b) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (434 U.S.C. 60541) is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking ''carried out during fiscal years 2009 and 2010'' and inserting ''carried out during fiscal years 2019 through 2023''; and

(B) in paragraph (5)(A)(ii), by striking ''the greater of 10 years or'';

(2) by striking subsection (h);

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h), as so redesignated, by striking ''2009 and 2010'' and inserting ''2019 through 2023''.

(c) ENHANCING REPORTING REQUIREMENTS PERTAINING TO COMMUNITY CORRECTIONS.—Section 3624(c) of title 18, United States Code, is amended—

(1) in paragraph (5), in the second sentence, by inserting '', and number of prisoners not being placed in community corrections facilities for each reason set forth'' before '', and any other information''; and

(2) in paragraph (6), by striking ''the Second Chance Act of 2007'' and inserting ''the Second Chance Reauthorization Act of 2018''.

(d) TERMINATION OF STUDY ON EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.—Section 244 of the Second Chance Act of 2007 (34 U.S.C. 60554) is repealed.

(e) AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH.—Section 245 of the Second Chance Act of 2007 (34 U.S.C. 60555) is amended—

(1) by striking ''243, and 244'' and inserting ''and 243''; and

(2) by striking ''$10,000,000 for each of the fiscal years 2009 and 2010'' and inserting ''$5,000,000 for each of the fiscal years 2019, 2020, 2021, 2022, and 2023''.

(f) FEDERAL PRISONER RECIDIVISM REDUCTION PROGRAMMING ENHANCEMENT.—

(1) IN GENERAL.—Section 3621 of title 18, United States Code, as amended by section 102(a) of this Act, is amended—

(A) by redesignating subsection (g) as subsection (i); and

(B) by inserting after subsection (f) the following:

''(g) PARTNERSHIPS TO EXPAND ACCESS TO REENTRY PROGRAMS PROVEN TO REDUCE RECIDIVISM.—

''(1) DEFINITION.—The term 'demonstrated to reduce recidivism' means that the Director of Bureau of Prisons has determined that appropriate research has been conducted and has validated the effectiveness of the type of program on recidivism.

''(2) ELIGIBILITY FOR RECIDIVISM REDUCTION PARTNERSHIP.—A faith-based or community-

based nonprofit organization that provides mentoring or other programs that have been demonstrated to reduce recidivism is eligible to enter into a recidivism reduction partnership with a prison or community-based facility operated by the Bureau of Prisons.

''(3) RECIDIVISM REDUCTION PARTNERSHIPS.—The Director of the Bureau of Prisons shall develop policies to require wardens of prisons and community-based facilities to enter into recidivism reduction partnerships with faith-based and community-based nonprofit organizations that are willing to provide, on a volunteer basis, programs described in paragraph (2).

''(4) REPORTING REQUIREMENT.—The Director of the Bureau of Prisons shall submit to Congress an annual report on the last day of each fiscal year that—

''(A) details, for each prison and community-based facility for the fiscal year just ended—

''(i) the number of recidivism reduction partnerships under this section that were in effect;

''(ii) the number of volunteers that provided recidivism reduction programming; and

''(iii) the number of recidivism reduction programming hours provided; and

''(B) explains any disparities between facilities in the numbers reported under subparagraph (A).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 180 days after the date of enactment of this Act.

(g) REPEALS.—

(1) Section 2978 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10633) is repealed.

(2) Part CC of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10581 et seq.) is repealed.

SEC. 505. FEDERAL INTERAGENCY REENTRY COORDINATION.

(a) REENTRY COORDINATION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other agencies of the Federal Government as the Attorney General considers appropriate, and in collaboration with interested persons, service providers, nonprofit organizations, and State, tribal, and local governments, shall coordinate on Federal programs, policies, and activities relating to the reentry of individuals returning from incarceration to the community, with an emphasis on evidence-based practices and protection against duplication of services.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General, in consultation with the Secretaries listed in subsection (a), shall submit to Congress a report summarizing the achievements under subsection (a), and including recommendations for Congress that would further reduce barriers to successful reentry.

SEC. 506. CONFERENCE EXPENDITURES.

(a) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this title, or any amendments made by this title, may be used by the Attorney General, or by any individual or organization awarded discretionary funds under this title, or any amendments made by this title, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference. A conference that uses more than $20,000 in such funds, but less than an average of $500 in such funds for each attendee of the conference, shall not be subject to the limitations of this section.

(b) WRITTEN APPROVAL.—Written approval under subsection (a) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(c) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this section.

SEC. 507. EVALUATION OF THE SECOND CHANCE ACT PROGRAM.

(a) EVALUATION OF THE SECOND CHANCE ACT GRANT PROGRAM.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall evaluate the effectiveness of grants used by the Department of Justice to support offender reentry and recidivism reduction programs at the State, local, Tribal, and Federal levels. The National Institute of Justice shall evaluate the following:

(1) The effectiveness of such programs in relation to their cost, including the extent to which the programs improve reentry outcomes, including employment, education, housing, reductions in recidivism, of participants in comparison to comparably situated individuals who did not participate in such programs and activities.

(2) The effectiveness of program structures and mechanisms for delivery of services.

(3) The impact of such programs on the communities and participants involved.

(4) The impact of such programs on related programs and activities.

(5) The extent to which such programs meet the needs of various demographic groups.

(6) The quality and effectiveness of technical assistance provided by the Department of Justice to grantees for implementing such programs.

(7) Such other factors as may be appropriate.

(b) AUTHORIZATION OF FUNDS FOR EVALUATION.—Not more than 1 percent of any amounts authorized to be appropriated to carry out the Second Chance Act grant program shall be made available to the National Institute of Justice each year to evaluate the processes, implementation, outcomes, costs, and effectiveness of the Second Chance Act grant program in improving reentry and reducing recidivism. Such funding may be used to provide support to grantees for supplemental data collection, analysis, and coordination associated with evaluation activities.

(c) TECHNIQUES.—Evaluations conducted under this section shall use appropriate methodology and research designs. Impact evaluations conducted under this section shall include the use of intervention and control groups chosen by random assignment methods, to the extent possible.

(d) METRICS AND OUTCOMES FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Institute of Justice shall consult with relevant stakeholders and identify outcome measures, including employment, housing, education, and public safety, that are to be achieved by programs authorized under the Second Chance Act grant program and the metrics by which the achievement of such outcomes shall be determined.

(2) PUBLICATION.—Not later than 30 days after the date on which the National Institute of Justice identifies metrics and outcomes under paragraph (1), the Attorney General shall publish such metrics and outcomes identified.

(e) DATA COLLECTION.—As a condition of award under the Second Chance Act grant program (including a subaward under section 3021(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701(b))), grantees shall be required to collect and report to the Department of Justice data based upon the metrics identified under subsection (d). In accordance with applicable law, collection of individual-level data under a pledge of confidentiality shall be protected by the National Institute of Justice in accordance with such pledge.

(f) DATA ACCESSIBILITY.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall—

(1) make data collected during the course of evaluation under this section available in de-identified form in such a manner that reasonably protects a pledge of confidentiality to participants under subsection (e); and

(2) make identifiable data collected during the course of evaluation under this section available to qualified researchers for future research and evaluation, in accordance with applicable law.

(g) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The National Institute of Justice shall—

(1) not later than 365 days after the date on which the enrollment of participants in an impact evaluation is completed, publish an interim report on such evaluation;

(2) not later than 90 days after the date on which any evaluation is completed, publish and make publicly available such evaluation; and

(3) not later than 60 days after the completion date described in paragraph (2), submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on such evaluation.

(h) SECOND CHANCE ACT GRANT PROGRAM DEFINED.—In this section, the term ''Second Chance Act grant program'' means any grant program reauthorized under this title and the amendments made by this title.

SEC. 508. GAO REVIEW.

Not later than 3 years after the date of enactment of the First Step Act of 2018 the Comptroller General of the United States shall conduct a review of all of the grant awards made under this title and amendments made by this title that includes—

(1) an evaluation of the effectiveness of the reentry programs funded by grant awards under this title and amendments made by this title at reducing recidivism, including a determination of which reentry programs were most effective;

(2) recommendations on how to improve the effectiveness of reentry programs, including those for which prisoners may earn time credits under the First Step Act of 2018; and

(3) an evaluation of the effectiveness of mental health services, drug treatment, medical care, job training and placement, educational services, and vocational services programs funded under this title and amendments made by this title.

TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.

Section 3621(b) of title 18, United States Code, is amended—

(1) by striking ''shall designate the place of the prisoner's imprisonment.'' and inserting ''shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the

prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence.''; and

(2) by adding at the end the following: ''Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court.''.

SEC. 602. HOME CONFINEMENT FOR LOW-RISK PRISONERS.

Section 3624(c)(2) of title 18, United States Code, is amended by adding at the end the following: ''The Bureau of Prisons shall, to the extent practicable, place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted under this paragraph.''.

SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION; MODIFICATION OF IMPOSED TERM OF IMPRISONMENT.

(a) FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION.—Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''and eligible terminally ill offenders'' after ''elderly offenders'' each place the term appears;

(B) in subparagraph (A), by striking ''a Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(C) in subparagraph (B)—

(i) by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(ii) by inserting '', upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender'' after ''to home detention''; and

(D) in subparagraph (C), by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(2) in paragraph (2), by inserting ''or eligible terminally ill offender'' after ''elderly offender'';

(3) in paragraph (3), as amended by section 504(b)(1)(A) of this Act, by striking ''at least one Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(4) in paragraph (4)—

(A) by inserting ''or eligible terminally ill offender'' after ''each eligible elderly offender''; and

(B) by inserting ''and eligible terminally ill offenders'' after ''eligible elderly offenders''; and

(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i), striking ''65 years of age'' and inserting ''60 years of age''; and

(ii) in clause (ii), as amended by section 504(b)(1)(B) of this Act, by striking ''75 percent'' and inserting ''⅔''; and

(B) by adding at the end the following:

''(D) ELIGIBLE TERMINALLY ILL OFFENDER.—The term 'eligible terminally ill offender' means an offender in the custody of the Bureau of Prisons who—

''(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code;

''(ii) satisfies the criteria specified in clauses (iii) through (vii) of subparagraph (A); and

''(iii) has been determined by a medical doctor approved by the Bureau of Prisons to be—

''(I) in need of care at a nursing home, intermediate care facility, or 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.''.

(b) INCREASING THE USE AND TRANSPARENCY OF COMPASSIONATE RELEASE.—Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A), in the matter preceding clause (i), by inserting after ''Bureau of Prisons,'' the following: ''or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier,'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) NOTIFICATION REQUIREMENTS.—

''(1) TERMINAL ILLNESS DEFINED.—In this subsection, the term 'terminal illness' means a disease or condition with an end-of-life trajectory.

''(2) NOTIFICATION.—The Bureau of Prisons shall, subject to any applicable confidentiality requirements—

''(A) in the case of a defendant diagnosed with a terminal illness—

''(i) not later than 72 hours after the diagnosis notify the defendant's attorney, partner, and family members of the defendant's condition and inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) not later than 7 days after the date of the diagnosis, provide the defendant's partner and family members (including extended family) with an opportunity to visit the defendant in person;

''(iii) upon request from the defendant or his attorney, partner, or a family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(iv) not later than 14 days of receipt of a request for a sentence reduction submitted on the defendant's behalf by the defendant or the defendant's attorney, partner, or family member, process the request;

''(B) in the case of a defendant who is physically or mentally unable to submit a request for a sentence reduction pursuant to subsection (c)(1)(A)—

''(i) inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) accept and process a request for sentence reduction that has been prepared and submitted on the defendant's behalf by the defendant's attorney, partner, or family member under clause (i); and

''(iii) upon request from the defendant or his attorney, partner, or family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(C) ensure that all Bureau of Prisons facilities regularly and visibly post, including in prisoner handbooks, staff training materials, and facility law libraries and medical and hospice facilities, and make available to prisoners upon demand, notice of—

''(i) a defendant's ability to request a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) the procedures and timelines for initiating and resolving requests described in clause (i); and

''(iii) the right to appeal a denial of a request described in clause (i) after all administrative rights to appeal within the Bureau of Prisons have been exhausted.

''(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, and once every year thereafter, the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on requests for sentence reductions pursuant to subsection (c)(1)(A), which shall include a description of, for the previous year—

''(A) the number of prisoners granted and denied sentence reductions, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(B) the number of requests initiated by or on behalf of prisoners, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(C) the number of requests that Bureau of Prisons employees assisted prisoners in drafting, preparing, or submitting, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(D) the number of requests that attorneys, partners, or family members submitted on a defendant's behalf, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(E) the number of requests approved by the Director of the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(F) the number of requests denied by the Director of the Bureau of Prisons and the reasons given for each denial, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(G) for each request, the time elapsed between the date the request was received by the warden and the final decision, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(H) for each request, the number of prisoners who died while their request was pending and, for each, the amount of time that had elapsed between the date the request was received by the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(I) the number of Bureau of Prisons notifications to attorneys, partners, and family members of their right to visit a terminally ill defendant as required under paragraph (2)(A)(ii) and, for each, whether a visit occurred and how much time elapsed between the notification and the visit;

''(J) the number of visits to terminally ill prisoners that were denied by the Bureau of Prisons due to security or other concerns, and the reasons given for each denial; and

''(K) the number of motions filed by defendants with the court after all administrative rights to appeal a denial of a sentence reduction had been exhausted, the outcome of each motion, and the time that had elapsed between the date the request was first received by the Bureau of Prisons and

the date the defendant filed the motion with the court.''.

SEC. 604. IDENTIFICATION FOR RETURNING CITIZENS.

(a) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—Section 231(b) of the Second Chance Act of 2007 (34 U.S.C. 60541(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''(including'' and inserting ''prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including''; and

(B) by striking ''or birth certificate) prior to release'' and inserting ''and a birth certificate''; and

(2) by adding at the end the following:

''(4) DEFINITION.—In this subsection, the term 'community confinement' means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility.''.

(b) DUTIES OF THE BUREAU OF PRISONS.—Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (D) and (E) as paragraphs (6) and (7), respectively;

(2) in paragraph (6) (as so redesignated)—

(A) in clause (i)—

(i) by striking ''Social Security Cards,''; and

(ii) by striking ''and'' at the end;

(B) by redesignating clause (ii) as clause (iii);

(C) by inserting after clause (i) the following:

''(ii) obtain identification, including a social security card, driver's license or other official photo identification, and a birth certificate; and'';

(D) in clause (iii) (as so redesignated), by inserting after ''prior to release'' the following: ''from a sentence to a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term of community confinement''; and

(E) by redesignating clauses (i), (ii), and (iii) (as so amended) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly; and

(3) in paragraph (7) (as so redesignated), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively, and adjusting the margins accordingly.

SEC. 605. EXPANDING INMATE EMPLOYMENT THROUGH FEDERAL PRISON INDUSTRIES.

(a) NEW MARKET AUTHORIZATIONS.—Chapter 307 of title 18, United States Code, is amended by inserting after section 4129 the following:

''§ 4130. Additional markets

''(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, Federal Prison Industries may sell products to—

''(1) public entities for use in penal or correctional institutions;

''(2) public entities for use in disaster relief or emergency response;

''(3) the government of the District of Columbia; and

''(4) any organization described in subsection (c)(3), (c)(4), or (d) of section 501 of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.

''(b) OFFICE FURNITURE.—Federal Prison Industries may not sell office furniture to the organizations described in subsection (a)(4).

''(c) DEFINITIONS.—In this section:

''(1) The term 'office furniture' means any product or service offering intended to meet the furnishing needs of the workplace, including office, healthcare, educational, and hospitality environments.

''(2) The term 'public entity' means a State, a subdivision of a State, an Indian tribe, and an agency or governmental corporation or business of any of the foregoing.

''(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by inserting after the item relating to section 4129 the following:

''4130. Additional markets.''.

(c) DEFERRED COMPENSATION.—Section 4126(c)(4) of title 18, United States Code, is amended by inserting after ''operations,'' the following: ''not less than 15 percent of such compensation for any inmate shall be reserved in the fund or a separate account and made available to assist the inmate with costs associated with release from prison,''.

(d) GAO REPORT.—Beginning not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of Federal Prison Industries that includes the following:

(1) An evaluation of Federal Prison Industries's effectiveness in reducing recidivism compared to other rehabilitative programs in the prison system.

(2) An evaluation of the scope and size of the additional markets made available to Federal Prison Industries under this section and the total market value that would be opened up to Federal Prison Industries for competition with private sector providers of products and services.

(3) An evaluation of whether the following factors create an unfair competitive environment between Federal Prison Industries and private sector providers of products and services which would be exacerbated by further expansion:

(A) Federal Prison Industries's status as a mandatory source of supply for Federal agencies and the requirement that the buying agency must obtain a waiver in order to make a competitive purchase from the private sector if the item to be acquired is listed on the schedule of products and services published by Federal Prison Industries.

(B) Federal Prison Industries's ability to determine that the price to be paid by Federal Agencies is fair and reasonable, rather than such a determination being made by the buying agency.

(C) An examination of the extent to which Federal Prison Industries is bound by the requirements of the generally applicable Federal Acquisition Regulation pertaining to the conformity of the delivered product with the specified design and performance specifications and adherence to the delivery schedule required by the Federal agency, based on the transactions being categorized as interagency transfers.

(D) An examination of the extent to which Federal Prison Industries avoids transactions that are little more than pass through transactions where the work provided by inmates does not create meaningful value or meaningful work opportunities for inmates.

(E) The extent to which Federal Prison Industries must comply with the same worker protection, workplace safety and similar regulations applicable to, and enforceable against, Federal contractors.

(F) The wages Federal Prison Industries pays to inmates, taking into account inmate productivity and other factors such as security concerns associated with having a facility in a prison.

(G) The effect of any additional cost advantages Federal Prison Industries has over private sector providers of goods and services, including—

(i) the costs absorbed by the Bureau of Prisons such as inmate medical care and infrastructure expenses including real estate and utilities; and

(ii) its exemption from Federal and State income taxes and property taxes.

(4) An evaluation of the extent to which the customers of Federal Prison Industries are satisfied with quality, price, and timely delivery of the products and services provided it provides, including summaries of other independent assessments such as reports of agency inspectors general, if applicable.

SEC. 606. DE-ESCALATION TRAINING.

Beginning not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Prisons shall incorporate into training programs provided to officers and employees of the Bureau of Prisons (including officers and employees of an organization with which the Bureau of Prisons has a contract to provide services relating to imprisonment) specialized and comprehensive training in procedures to—

(1) de-escalate encounters between a law enforcement officer or an officer or employee of the Bureau of Prisons, and a civilian or a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act); and

(2) identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.

SEC. 607. EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.

(a) REPORT ON EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and the capacity of the Bureau of Prisons to treat heroin and opioid abuse through evidence-based programs, including medication-assisted treatment where appropriate. In preparing the report, the Director shall consider medication-assisted treatment as a strategy to assist in treatment where appropriate and not as a replacement for holistic and other drug-free approaches. The report shall include a description of plans to expand access to evidence-based treatment for heroin and opioid abuse for prisoners, including access to medication-assisted treatment in appropriate cases. Following submission, the Director shall take steps to implement these plans.

(b) REPORT ON THE AVAILABILITY OF MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE, AND IMPLEMENTATION THEREOF.—Not later than 120 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and capacity for the provision of medication-assisted treatment for opioid and heroin abuse by treatment service providers serving prisoners who are serving a term of supervised release, and including a description of plans to expand access to medication-assisted treatment for heroin and opioid

abuse whenever appropriate among prisoners under supervised release. Following submission, the Director will take steps to implement these plans.

SEC. 608. PILOT PROGRAMS.

(a) IN GENERAL.—The Bureau of Prisons shall establish each of the following pilot programs for 5 years, in at least 20 facilities:

(1) MENTORSHIP FOR YOUTH.—A program to pair youth with volunteers from faith-based or community organizations, which may include formerly incarcerated offenders, that have relevant experience or expertise in mentoring, and a willingness to serve as a mentor in such a capacity.

(2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE ANIMALS.—A program to equip prisoners with the skills to provide training and therapy to animals seized by Federal law enforcement under asset forfeiture authority and to organizations that provide shelter and similar services to abandoned, rescued, or otherwise vulnerable animals.

(b) REPORTING REQUIREMENT.—Not later than 1 year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the pilot programs under this section. Such report shall include cost savings, numbers of participants, and information about recidivism rates among participants.

(c) DEFINITION.—In this title, the term ''youth'' means a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.

SEC. 609. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended in paragraph (8)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended in paragraph (12)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

SEC. 610. DATA COLLECTION.

(a) NATIONAL PRISONER STATISTICS PROGRAM.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), the Director of the Bureau of Justice Statistics, with information that shall be provided by the Director of the Bureau of Prisons, shall include in the National Prisoner Statistics Program the following:

(1) The number of prisoners (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who are veterans of the Armed Forces of the United States.

(2) The number of prisoners who have been placed in solitary confinement at any time during the previous year.

(3) The number of female prisoners known by the Bureau of Prisons to be pregnant, as well as the outcomes of such pregnancies, including information on pregnancies that result in live birth, stillbirth, miscarriage, abortion, ectopic pregnancy, maternal death, neonatal death, and preterm birth.

(4) The number of prisoners who volunteered to participate in a substance abuse treatment program, and the number of prisoners who have participated in such a program.

(5) The number of prisoners provided medication-assisted treatment with medication approved by the Food and Drug Administration while in custody in order to treat substance use disorder.

(6) The number of prisoners who were receiving medication-assisted treatment with medication approved by the Food and Drug Administration prior to the commencement of their term of imprisonment.

(7) The number of prisoners who are the parent or guardian of a minor child.

(8) The number of prisoners who are single, married, or otherwise in a committed relationship.

(9) The number of prisoners who have not achieved a GED, high school diploma, or equivalent prior to entering prison.

(10) The number of prisoners who, during the previous year, received their GED or other equivalent certificate while incarcerated.

(11) The numbers of prisoners for whom English is a second language.

(12) The number of incidents, during the previous year, in which restraints were used on a female prisoner during pregnancy, labor, or postpartum recovery, as well as information relating to the type of restraints used, and the circumstances under which each incident occurred.

(13) The vacancy rate for medical and healthcare staff positions, and average length of such a vacancy.

(14) The number of facilities that operated, at any time during the previous year, without at least 1 clinical nurse, certified paramedic, or licensed physician on site.

(15) The number of facilities that during the previous year were accredited by the American Correctional Association.

(16) The number and type of recidivism reduction partnerships described in section 3621(h)(5) of title 18, United States Code, as added by section 102(a) of this Act, entered into by each facility.

(17) The number of facilities with remote learning capabilities.

(18) The number of facilities that offer prisoners video conferencing.

(19) Any changes in costs related to legal phone calls and visits following implementation of section 3632(d)(1) of title 18, United States Code, as added by section 101(a) of this Act.

(20) The number of aliens in prison during the previous year.

(21) For each Bureau of Prisons facility, the total number of violations that resulted in reductions in rewards, incentives, or time credits, the number of such violations for each category of violation, and the demographic breakdown of the prisoners who have received such reductions.

(22) The number of assaults on Bureau of Prisons staff by prisoners and the number of criminal prosecutions of prisoners for assaulting Bureau of Prisons staff.

(23) The capacity of each recidivism reduction program and productive activity to accommodate eligible inmates at each Bureau of Prisons facility.

(24) The number of volunteers who were certified to volunteer in a Bureau of Prisons facility, broken down by level (level I and level II), and by each Bureau of Prisons facility.

(25) The number of prisoners enrolled in recidivism reduction programs and productive activities at each Bureau of Prisons facility, broken down by risk level and by program, and the number of those enrolled prisoners who successfully completed each program.

(26) The breakdown of prisoners classified at each risk level by demographic characteristics, including age, sex, race, and the length of the sentence imposed.

(b) REPORT TO JUDICIARY COMMITTEES.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter for a period of 7 years, the Director of the Bureau of Justice Statistics shall submit a report containing the information described in paragraphs (1) through (26) of subsection (a) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 611. HEALTHCARE PRODUCTS.

(a) AVAILABILITY.—The Director of the Bureau of Prisons shall make the healthcare products described in subsection (c) available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.

(b) QUALITY PRODUCTS.—The Director shall ensure that the healthcare products provided under this section conform with applicable industry standards.

(c) PRODUCTS.—The healthcare products described in this subsection are tampons and sanitary napkins.

SEC. 612. ADULT AND JUVENILE COLLABORATION PROGRAMS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651) is amended—

(1) in subsection (b)(4)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D);

(2) in subsection (e), by striking ''may use up to 3 percent'' and inserting ''shall use not less than 6 percent''; and

(3) by amending subsection (g) to read as follows:

''(g) COLLABORATION SET-ASIDE.—The Attorney General shall use not less than 8 percent of funds appropriated to provide technical assistance to State and local governments receiving grants under this part to foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).''.

SEC. 613. JUVENILE SOLITARY CONFINEMENT.

(a) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''§ 5043. Juvenile solitary confinement

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered juvenile' means—

''(A) a juvenile who—

''(i) is being proceeded against under this chapter for an alleged act of juvenile delinquency; or

''(ii) has been adjudicated delinquent under this chapter; or

''(B) a juvenile who is being proceeded against as an adult in a district court of the United States for an alleged criminal offense;

''(2) the term 'juvenile facility' means any facility where covered juveniles are—

''(A) committed pursuant to an adjudication of delinquency under this chapter; or

''(B) detained prior to disposition or conviction; and

''(3) the term 'room confinement' means the involuntary placement of a covered juvenile alone in a cell, room, or other area for any reason.

''(b) PROHIBITION ON ROOM CONFINEMENT IN JUVENILE FACILITIES.—

''(1) IN GENERAL.—The use of room confinement at a juvenile facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a covered juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile, is prohibited.

''(2) JUVENILES POSING RISK OF HARM.—

''(A) REQUIREMENT TO USE LEAST RESTRICTIVE TECHNIQUES.—

''(i) IN GENERAL.—Before a staff member of a juvenile facility places a covered juvenile in room confinement, the staff member shall attempt to use less restrictive techniques, including—

''(I) talking with the covered juvenile in an attempt to de-escalate the situation; and

''(II) permitting a qualified mental health professional to talk to the covered juvenile.

''(ii) EXPLANATION.—If, after attempting to use less restrictive techniques as required under clause (i), a staff member of a juvenile facility decides to place a covered juvenile in room confinement, the staff member shall first—

''(I) explain to the covered juvenile the reasons for the room confinement; and

''(II) inform the covered juvenile that release from room confinement will occur—

''(aa) immediately when the covered juvenile regains self-control, as described in subparagraph (B)(i); or

''(bb) not later than after the expiration of the time period described in subclause (I) or (II) of subparagraph (B)(ii), as applicable.

''(B) MAXIMUM PERIOD OF CONFINEMENT.—If a covered juvenile is placed in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others, the covered juvenile shall be released—

''(i) immediately when the covered juvenile has sufficiently gained control so as to no longer engage in behavior that threatens serious and immediate risk of physical harm to himself or herself, or to others; or

''(ii) if a covered juvenile does not sufficiently gain control as described in clause (i), not later than—

''(I) 3 hours after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm to others; or

''(II) 30 minutes after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm only to himself or herself.

''(C) RISK OF HARM AFTER MAXIMUM PERIOD OF CONFINEMENT.—If, after the applicable maximum period of confinement under subclause (I) or (II) of subparagraph (B)(ii) has expired, a covered juvenile continues to pose a serious and immediate risk of physical harm described in that subclause—

''(i) the covered juvenile shall be transferred to another juvenile facility or internal location where services can be provided to the covered juvenile without relying on room confinement; or

''(ii) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the juvenile facility shall initiate a referral to a location that can meet the needs of the covered juvenile.

''(D) SPIRIT AND PURPOSE.—The use of consecutive periods of room confinement to evade the spirit and purpose of this subsection shall be prohibited.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''5043. Juvenile solitary confinement.''.

SA 4133. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FIFTH AMENDMENT INTEGRITY RESTORATION.

(a) CIVIL FORFEITURE PROCEEDINGS.—Section 983 of title 18, United States Code, is amended—

(1) in subsection (b)(2)(A)—

(A) by striking '', and the property subject to forfeiture is real property that is being used by the person as a primary residence,''; and

(B) by striking '', at the request of the person, shall insure'' and inserting ''shall ensure'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''a preponderance of the evidence'' and inserting ''clear and convincing evidence'';

(B) in paragraph (2), by striking ''a preponderance of the evidence'' and inserting ''clear and convincing evidence''; and

(C) by striking paragraph (3) and inserting the following:

''(3) if the Government's theory of forfeiture is that the property was used to commit or facilitate the commission of a criminal offense, or was involved in the commission of a criminal offense, the Government shall establish, by clear and convincing evidence, that—

''(A) there was a substantial connection between the property and the offense; and

''(B) the owner of any interest in the seized property—

''(i) used the property with intent to facilitate the offense; or

''(ii) knowingly consented or was willfully blind to the use of the property by another in connection with the offense.''; and

(3) in subsection (d)(2)(A), by striking ''an owner who'' and all that follows through ''upon learning'' and inserting ''an owner who, upon learning''.

(b) DISPOSITION OF FORFEITED PROPERTY.—

(1) REVISIONS TO CONTROLLED SUBSTANCES ACT.—Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''civilly or'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (B) of paragraph (1)'' and inserting ''paragraph (1)(A)''; and

(ii) in subparagraph (B), by striking ''accordance with section 524(c) of title 28,'' and inserting ''the General Fund of the Treasury of the United States'';

(C) by striking paragraph (3);

(D) by redesignating paragraph (4) as paragraph (3); and

(E) in paragraph (3), as redesignated—

(i) in subparagraph (A), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)''; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking ''paragraph (1)(B) that is civilly or'' and inserting paragraph ''(1)(A) that is''.

(2) REVISIONS TO TITLE 18.—Chapter 46 of title 18, United States Code, is amended—

(A) in section 981(e)—

(i) by striking ''is authorized'' and all that follows through ''or forfeiture of the property;'' and inserting ''shall forward to the Treasurer of the United States any proceeds of property forfeited pursuant to this section for deposit in the General Fund of the Treasury or transfer such property on such terms and conditions as such officer may determine—'';

(ii) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (1), (2), (3), (4), and (5), respectively; and

(iii) in the matter following paragraph (5), as so redesignated—

(I) by striking the first, second, third, sixth, and eighth sentences; and

(II) by striking ''paragraphs (3), (4), and (5)'' and inserting ''paragraphs (1), (2), and (3)''; and

(B) in section 983(g)—

(i) in paragraph (3), by striking ''grossly''; and

(ii) in paragraph (4), by striking ''grossly''.

(3) TARIFF ACT OF 1930.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended—

(A) in section 613A(a) (19 U.S.C. 1613b(a))—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''and'' after the semicolon;

(II) in subparagraph (E), by striking ''; and'' and inserting a period; and

(III) by striking subparagraph (F); and

(ii) in paragraph (2)—

(I) by striking ''(A) Any payment'' and inserting ''Any payment''; and

(II) by striking subparagraph (B); and

(B) in section 616 (19 U.S.C. 1616a)—

(i) in the section heading, by striking ''**TRANSFER OF FORFEITED PROPERTY**'' and inserting ''**DISMISSAL IN FAVOR OF FORFEITURE UNDER STATE LAW**'';

(ii) in subsection (a), by striking ''(a) The Secretary'' and inserting ''The Secretary''; and

(iii) by striking subsections (b) through (d).

(4) TITLE 31.—Section 9703 of title 31, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (G); and

(ii) by redesignating subparagraphs (H) through (J) as subparagraphs (G) through (I), respectively; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (4); and

(ii) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively.

(c) DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND DEPOSITS.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

(d) STRUCTURING TRANSACTIONS TO EVADE REPORTING REQUIREMENT PROHIBITED.—

(1) AMENDMENTS TO TITLE 31.—Section 5324 of title 31, United States Code, is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''knowingly'' after ''Public Law 91–508''; and

(ii) in paragraph (3), by inserting ''of funds not derived from a legitimate source'' after ''any transaction'';

(B) in subsection (b), in the matter preceding paragraph (1), by inserting ''knowingly'' after ''such section''; and

(C) in subsection (c), in the matter preceding paragraph (1), by inserting ''knowingly'' after ''section 5316''.

(2) PROBABLE CAUSE HEARING IN CONNECTION WITH PROPERTY SEIZURES RELATING TO CERTAIN MONETARY INSTRUMENTS TRANSACTIONS.—

(A) AMENDMENT.—Section 5317 of title 31, United States Code, is amended by adding at the end the following:

''(d) PROBABLE CAUSE HEARING IN CONNECTION WITH PROPERTY SEIZURES RELATING TO CERTAIN MONETARY INSTRUMENTS TRANSACTIONS.—

''(1) IN GENERAL.—Not later than 14 days after the date on which notice is provided under paragraph (2)—

''(A) a court of competent jurisdiction shall conduct a hearing on any property seized or restrained under subsection (c)(2) with respect to an alleged violation of section 5324; and

''(B) any property described in subparagraph (A) shall be returned unless the court finds that there is probable cause to believe

that there is a violation of section 5324 involving the property.

''(2) NOTICE.—Each person from whom property is seized or restrained under subsection (c)(2) with respect to an alleged violation of section 5324 shall be notified of the right of the person to a hearing under paragraph (1).''.

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply to property seized or restrained after the date of enactment of this Act.

(e) PROPORTIONALITY.—Section 983(g)(2) of title 18, United States Code, is amended to read as follows:

''(2) In making this determination, the court shall consider such factors as—

''(A) the seriousness of the offense;

''(B) the extent of the nexus of the property to the offense;

''(C) the range of sentences available for the offense giving rise to forfeiture;

''(D) the fair market value of the property; and

''(E) the hardship to the property owner and dependents.''.

(f) REPORTING REQUIREMENTS.—Section 524(c)(6)(i) of title 28, United States Code, is amended by inserting ''from each type of forfeiture, and specifically identifying which funds were obtained from including criminal forfeitures and which were obtained from civil forfeitures,'' after ''deposits''.

(g) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any civil forfeiture proceeding pending on or filed on or after the date of enactment of this Act; and

(2) any amounts received from the forfeiture of property on or after the date of enactment of this Act.

SA 4134. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON CIVIL FORFEITURE.

Notwithstanding any other provision of law, no property of a person, real or personal, may be forfeited to the United States unless the person has been convicted of an offense under which the property may be forfeited.

SA 4135. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ACQUITTED CONDUCT REFORM.

(a) USE OF INFORMATION FOR SENTENCING.—

(1) AMENDMENT.—Section 3661 of title 18, United States Code, is amended by inserting '', except that a court of the United States shall not consider acquitted conduct under this section'' before the period at the end.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only to a judgment entered on or after the date of enactment of this Act.

(b) DEFINITIONS.—Section 3673 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''As'' and inserting the following:

''(a) As''; and

(2) by adding at the end the following:

''(b) As used in this chapter, the term 'acquitted conduct' means—

''(1) acts for which a person was criminally charged and adjudicated not guilty after trial in a Federal or State court; and

''(2) acts underlying criminal charges dismissed—

''(A) in a Federal court upon a motion for acquittal under rule 29 of the Federal Rules of Criminal Procedure; or

''(B) in a State court upon a motion for acquittal or an analogous motion under the applicable State rule of criminal procedure.''.

SA 4136. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. AUTHORITY OF PROBATION OFFICERS.

(a) IN GENERAL.—Section 3606 of title 18, United States Code, is amended—

(1) in the heading, by striking ''**and return of a probationer**'' and by inserting ''**authority of probation officers**'';

(2) by striking ''If there'' and inserting ''(a) If there''; and

(3) by adding at the end the following:

''(b) A probation officer, while in the performance of his or her official duties, may arrest a person without a warrant if there is probable cause to believe that the person has forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with the probation officer, or a fellow probation officer, in violation of section 111. The arrest authority described in this subsection shall be exercised under such rules and regulations as the Director of the Administrative Office of the United States Courts shall prescribe.''.

(b) TABLE OF SECTIONS.—The table of sections for subchapter A of chapter 229 of title 18, United States Code, is amended by striking the item relating to section 3606 and inserting the following:

''3606. Arrest authority of probation officers.''.

SA 4137. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—MENS REA REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the ''Mens Rea Reform Act of 2018''.

Subtitle A—State of Mind

SEC. 711. STATE OF MIND ELEMENT FOR CRIMINAL OFFENSES.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''§ 28. State of mind when not otherwise specifically provided

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered offense'—

''(A) means an offense—

''(i) specified in—

''(I) this title or any other Act of Congress;

''(II) any regulation; or

''(III) any law (including regulations) of any State or foreign government incorporated by reference into this title or any other Act of Congress; and

''(ii) that is punishable by imprisonment, a maximum criminal fine of at least $2,500, or both; and

''(B) does not include—

''(i) any offense set forth in chapter 47 or chapter 47A of title 10; or

''(ii) any offense incorporated by section 13(a) of this title;

''(2) the term 'existing covered offense without a state of mind requirement' means a covered offense for which—

''(A) the provision or provisions specifying the elements of the offense were enacted, promulgated, or finalized on or before the date of enactment of this section; and

''(B) there is not a state of mind requirement specified for 1 or more elements of the covered offense, which shall be determined in accordance with subsection (d)—

''(i) in the text of the covered offense; or

''(ii) under the precedents of the Supreme Court of the United States;

''(3) the term 'existing covered regulatory offense without a state of mind requirement' means an existing covered offense without a state of mind requirement for which the provision or provisions specifying the elements of the offense are in regulations promulgated by an agency;

''(4) the term 'future covered offense' means a covered offense for which the provision or provisions specifying the elements of the offense are enacted, promulgated, or finalized after the date of enactment of this section;

''(5) the term 'state of mind' means willfully, intentionally, maliciously, knowingly, recklessly, wantonly, negligently, or with reason to believe, or any other word or phrase that is synonymous with or substantially similar to any such term; and

''(6) the term 'willfully', as related to an element of an offense, means—

''(A) that the person acted with knowledge that the person's conduct was unlawful; and

''(B) if the element involves the nature, attendant circumstances, object, or result of the conduct of a person, that—

''(i) the person had knowledge of the nature, attendant circumstances, object, or result of his or her conduct; and

''(ii) it was the conscious object of the person to engage in conduct—

''(I) of that nature;

''(II) with that attendant circumstance;

''(III) with that object; or

''(IV) to cause such a result.

''(b) FUTURE COVERED OFFENSES.—A future covered offense shall be construed to require the Government to prove beyond a reasonable doubt that the defendant acted—

''(1) with the state of mind specified in the text of the future covered offense for each element of the offense for which the text specifies a state of mind; and

''(2) except as provided in subsection (d), willfully, with respect to any element of the offense for which the text of the future covered offense does not specify a state of mind.

''(c) EXISTING COVERED OFFENSES WITHOUT A STATE OF MIND REQUIREMENT.—

''(1) DEFAULT REQUIREMENT FOR EXISTING STATUTORY OFFENSES WITHOUT A STATE OF MIND REQUIREMENT.—

''(A) IN GENERAL.—On and after the date specified in subparagraph (B), an existing covered offense without a state of mind requirement for which the provision or provisions specifying the elements of the existing

covered offense are in an Act of Congress shall be construed to require the Government to prove beyond a reasonable doubt that the defendant acted—

''(i) with the state of mind specified in the text of the existing covered offense without a state of mind requirement, including any amendment made after the date of enactment of this section, for each element for which the text specifies a state of mind; and

''(ii) except as provided in subsection (d), willfully, with respect to any element for which the text of the existing covered offense without a state of mind requirement does not specify a state of mind.

''(B) DEADLINE.—The date specified in this subparagraph is the earlier of—

''(i) the date that is 2 years after the date on which the National Criminal Justice Commission submits the report under section 711(b) of the Mens Rea Reform Act of 2018; or

''(ii) the date that is 5 years after the date of enactment of the Mens Rea Reform Act of 2018.

''(2) EXISTING COVERED REGULATORY OFFENSES WITHOUT A STATE OF MIND REQUIREMENT.—

''(A) IN GENERAL.—Not later than the date specified in subparagraph (B), each agency that has in effect an existing covered regulatory offense without a state of mind requirement shall promulgate regulations, after providing notice and an opportunity for comment, specifying the state of mind required for each element of the existing covered regulatory offense for which a state of mind is not specified.

''(B) DEADLINE.—The date specified in this subparagraph is the earlier of—

''(i) the date that is 3 years after the date on which the National Criminal Justice Commission submits the report under section 711(b) of the Mens Rea Reform Act of 2018; or

''(ii) the date that is 6 years after the date of enactment of the Mens Rea Reform Act of 2018.

''(C) NO STRICT LIABILITY OFFENSES.—The regulations promulgated by an agency under subparagraph (A) may not specify that an element of an existing covered regulatory offense does not require any state of mind be proven.

''(D) SUNSET.—Except as provided in subsection (d), after the date specified in subparagraph (B), the criminal penalty provisions of an existing covered regulatory offense for which the regulations establishing the elements of the existing covered regulatory offense do not specify a state of mind for 1 or more elements shall cease to have force or effect.

''(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to grant an agency authority with respect to establishing the mens rea requirements for a covered regulatory offense that is in addition to, or in lieu of, such authority provided under the statute authorizing the covered regulatory offense.

''(d) DETERMINATION THAT ELEMENTS LACK REQUIRED STATE OF MIND.—

''(1) FAILURE TO DISTINGUISH AMONG ELEMENTS.—Except as provided in paragraph (2), if the text of a covered offense specifies the state of mind required for commission of the covered offense without specifying the elements of the covered offense to which the state of mind applies, the state of mind specified shall apply to all elements of the covered offense, unless a contrary legislative purpose plainly appears in the text of the statute.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) of this subsection, subsection (b)(2), and paragraphs (1)(A)(ii) and (2)(D) of subsection (c) shall not apply with respect to—

''(i) any element for which the text of the covered offense makes clear that Congress affirmatively intended not to require the Government to prove any state of mind with respect to such element;

''(ii) any element of a covered offense, to the extent that the element establishes—

''(I) subject matter jurisdiction over the covered offense; or

''(II) venue with respect to trial of the covered offense; or

''(iii) any element of a covered offense, to the extent that applying paragraph (1) of this subsection, subsection (b)(2), or paragraph (1)(A)(ii) or (2)(D) of subsection (c) to such element would lessen the degree of mental culpability that the Government is required to prove with respect to that element under—

''(I) precedent of the Supreme Court of the United States; or

''(II) any other provision of this title, any other Act of Congress, or any regulation.

''(B) MERE ABSENCE INSUFFICIENT.—For purposes of subparagraph (A)(i), the mere absence of a specified state of mind for an element of a covered offense in the text of the covered offense shall not be construed to mean that Congress affirmatively intended not to require the Government to prove any state of mind with respect to that element.

''(e) SUBSEQUENTLY ENACTED LAWS.—No law enacted after the date of enactment of this section shall be construed to repeal, modify the text or effect of, or supersede in whole or in part this section, unless such law specifically refers to this section and explicitly repeals, modifies the text or effect of, or supersedes in whole or in part this section.''.

(b) COMMISSION REPORT AND LEGISLATION.—

(1) DEFINITIONS.—In this section, the term ''existing covered offenses without a state of mind requirement'' has the meaning given that term in section 28 of title 18, United States Code, as added by subsection (a).

(2) SUBMISSION.—Not later than the earlier of 2 years after the date on which the Attorney General submits the report required under section 712(b) or 3 years after the date of enactment of this Act, the National Criminal Justice Commission shall submit to Congress—

(A) a report identifying—

(i) the existing covered offenses without a state of mind requirement; and

(ii) the existing covered offenses without a state of mind requirement for which the Commission recommends that the Government not be required to prove any state of mind with respect to 1 or more elements of the offense, based on consideration of the criteria described in paragraph (3); and

(B) for each existing covered offense without a state of mind requirement identified under subparagraph (A)(ii) for which the provision or provisions specifying the elements of the existing covered offense without a state of mind requirement are in an Act of Congress, proposed legislative language to make clear the Government is not required to prove any state of mind with respect to 1 or more elements of the offense.

(3) CRITERIA.—The criteria specified in this paragraph are—

(A) whether the covered offense makes criminal a type of conduct that a reasonable person should know is subject to stringent public regulation and may seriously threaten public health or safety; and

(B) the potential penalty attached to a violation of the covered offense, with a severe penalty suggesting that the offense should not be a strict liability offense.

(c) EXPEDITED PROCEDURES.—

(1) DEFINITION.—In this subsection, the term ''joint resolution'' means a joint resolution consisting of the proposed legislative language submitted under subsection (b)(2)(B) and introduced or reintroduced under paragraph (2) of this subsection.

(2) INTRODUCTION OF PROPOSED LEGISLATIVE LANGUAGE.—

(A) IN GENERAL.—The proposed legislative language submitted by the National Criminal Justice Commission under subsection (b)(2)(B)—

(i) shall be introduced in the Senate (by request) by the Majority Leader or Minority Leader of the Senate or by a Member of the Senate designated by the Majority Leader or Minority Leader of the Senate not later than 30 days after the date on which the proposed legislation is submitted to Congress; and

(ii) shall be introduced in the House of Representatives (by request) by the Speaker of the House of Representatives or the Minority Leader of the House of Representatives or by a Member of the House of Representatives designated by the Speaker of the House of Representatives or the Minority Leader of the House of Representatives not later than 30 days after the date on which the proposed legislation is submitted to Congress.

(B) REINTRODUCTION.—The proposed legislative language submitted by the National Criminal Justice Commission under subsection (b)(2)(B) shall be reintroduced as described in subparagraph (A) not later than 30 days after the first day of a Congress if—

(i) the proposed legislative language was introduced during the previous Congress after the date that was 210 days before the date of the sine die adjournment of such previous Congress; and

(ii) there was not a vote in either House of Congress on passage of the joint resolution introduced under subparagraph (A) during the previous Congress by which the joint resolution was not agreed to.

(3) EXPEDITED CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House of Representatives not later than 180 days after the date on which the joint resolution is introduced or reintroduced in the House of Representatives under paragraph (2). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(B) PROCEEDING TO CONSIDERATION.—

(i) IN GENERAL.—After each committee authorized to consider a joint resolution reports it to the House of Representatives or has been discharged from its consideration, it shall be in order, not later than 210 days after the date on which the joint resolution is introduced or reintroduced in the House of Representatives under paragraph (2), to move to proceed to consider the joint resolution in the House of Representatives.

(ii) PROCEDURE.—For a motion to proceed to consideration of a joint resolution—

(I) all points of order against the motion are waived;

(II) such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on the joint resolution;

(III) the previous question shall be considered as ordered on the motion to its adoption without intervening motion;

(IV) the motion shall not be debatable; and

(V) a motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—If the House of Representatives proceeds to consideration of a joint resolution—

(i) the joint resolution shall be considered as read;

(ii) all points of order against the joint resolution and against its consideration are waived;

(iii) the previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 10 hours of debate equally divided and controlled by the proponent and an opponent;

(iv) an amendment to the joint resolution shall not be in order; and

(v) a motion to reconsider the vote on passage of the joint resolution shall not be in order.

(4) EXPEDITED CONSIDERATION IN SENATE.—

(A) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(B) PROCEEDING TO CONSIDERATION.—

(i) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 210 days after the date on which the joint resolution is introduced or reintroduced in the Senate under paragraph (2) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of a joint resolution.

(ii) PROCEDURE.—For a motion to proceed to the consideration of a joint resolution—

(I) all points of order against the motion are waived;

(II) the motion is not debatable;

(III) the motion is not subject to a motion to postpone;

(IV) a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order; and

(V) if the motion is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(C) FLOOR CONSIDERATION.—

(i) IN GENERAL.—If the Senate proceeds to consideration of a joint resolution—

(I) all points of order against the joint resolution (and against consideration of the joint resolution) are waived;

(II) consideration of the joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees;

(III) a motion further to limit debate is in order and not debatable;

(IV) an amendment to, a motion to postpone, or a motion to commit the joint resolution is not in order; and

(V) a motion to proceed to the consideration of other business is not in order.

(ii) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the consideration of a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(iii) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of this paragraph or the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution—

(i) the joint resolution of the other House shall not be referred to a committee; and

(ii) with respect to a joint resolution of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; and

(II) the vote on passage shall be on the joint resolution of the other House.

(B) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this subsection, the joint resolution of the other House shall be entitled to expedited floor procedures under this subsection.

(C) TREATMENT OF COMPANION MEASURES.—If, following passage of a joint resolution in the Senate, the Senate receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(D) CONSIDERATION AFTER PASSAGE.—If the President vetoes the joint resolution, consideration of a veto message in the Senate under this paragraph shall be not more than 10 hours equally divided between the majority and minority leaders or their designees.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and to supersede other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''28. State of mind when not otherwise specifically provided.''.

SEC. 712. INVENTORY OF FEDERAL CRIMINAL OFFENSES.

(a) DEFINITIONS.—In this section—

(1) the term ''criminal regulatory offense'' means a Federal regulation that is enforceable by a criminal penalty;

(2) the term ''criminal statutory offense'' means a criminal offense under a Federal statute; and

(3) the term ''Executive agency''—

(A) has the meaning given the term in section 105 of title 5, United States Code; and

(B) includes the United States Postal Service and the Postal Regulatory Commission.

(b) REPORT ON CRIMINAL STATUTORY OFFENSES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make publicly available a report, which shall include—

(1) a list of all criminal statutory offenses, including a list of the elements for each criminal statutory offense; and

(2) for each criminal statutory offense listed under paragraph (1) and organized by Federal district where applicable—

(A) the potential criminal penalty for the criminal statutory offense;

(B) the number of violations of the criminal statutory offense referred to the Department of Justice by an Executive agency for prosecution, including referrals from investigative agencies of the Department of Justice, in each of the years during the 15-year period preceding the date of enactment of this Act;

(C) the number of prosecutions for the criminal statutory offense brought by the Department of Justice each year for the 15-year period preceding the date of enactment of this Act;

(D) the number of prosecutions for the criminal statutory offense brought by the Department of Justice that have resulted in conviction for each year of the 15-year period preceding the date of enactment of this Act;

(E) the number of convictions for the criminal statutory offense that have resulted in imprisonment for each year of the 15-year period preceding the date of enactment of this Act;

(F) the average length of sentence of imprisonment imposed as a result of conviction for the criminal statutory offense during each year of the 15-year period preceding the date of enactment of this Act;

(G) the mens rea requirement for the criminal statutory offense; and

(H) the number of prosecutions for the criminal statutory offense in which the Department of Justice was not required to prove mens rea as a component of the offense.

(c) REPORT ON CRIMINAL REGULATORY OFFENSES.—Not later than 1 year after the date of enactment of this Act, the head of each Executive agency shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make publicly available a report, which shall include—

(1) a list of all criminal regulatory offenses enforceable by the agency; and

(2) for each criminal regulatory offense listed under paragraph (1)—

(A) the potential criminal penalty for a violation of the criminal regulatory offense;

(B) the number of violations of the criminal regulatory offense referred to the Department of Justice for prosecution in each of the years during the 15-year period preceding the date of enactment of this Act;

(C) the number of prosecutions for the criminal regulatory offense brought by the Department of Justice each year for the 15-year period preceding the date of enactment of this Act;

(D) the number of prosecutions for the criminal regulatory offense brought by the Department of Justice that have resulted in conviction for each year of the 15-year period preceding the date of enactment of this Act;

(E) the number of convictions for the criminal regulatory offense that have resulted in imprisonment for each year of the 15-year period preceding the date of enactment of this Act;

(F) the average length of sentence of imprisonment imposed as a result of conviction for the criminal regulatory offense during each year of the 15-year period preceding the date of enactment of this Act;

(G) the mens rea requirement for the criminal regulatory offense; and

(H) the number of prosecutions for the criminal regulatory offense in which the Department of Justice was not required to prove mens rea as a component of the offense.

(d) INDEX.—Not later than 2 years after the date of enactment of this Act—

(1) the Attorney General shall establish a publically accessible index of each criminal statutory offense listed in the report required under subsection (b) and make the index available and freely accessible on the website of the Department of Justice; and

(2) the head of each Executive agency shall establish a publically accessible index of each criminal regulatory offense listed in the report required under subsection (c) and make the index available and freely accessible on the website of the agency.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require or authorize appropriations.

Subtitle B—National Criminal Justice Commission Act

SEC. 751. FINDINGS.

Congress finds that—

(1) it is in the interest of the Nation to establish a commission to undertake a comprehensive review of the criminal justice system;

(2) there has not been a comprehensive study since the President's Commission on Law Enforcement and Administration of Justice was established in 1965;

(3) that commission, in a span of 18 months, produced a comprehensive report entitled ''The Challenge of Crime in a Free Society'', which contained 200 specific recommendations on all aspects of the criminal justice system involving Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens; and

(4) developments over the intervening 50 years require once again that Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

SEC. 752. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the ''National Criminal Justice Commission'' (referred to in this subtitle as the ''Commission'').

SEC. 753. PURPOSE OF THE COMMISSION.

The Commission shall—

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

(2) make recommendations for Federal criminal justice reform to the President and Congress; and

(3) disseminate findings and supplemental guidance to the Federal Government, as well as to State, local, and tribal governments.

SEC. 754. REVIEW, RECOMMENDATIONS, AND REPORT.

(a) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(b) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit to the President and Congress recommendations for changes in Federal oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(2) UNANIMOUS CONSENT REQUIRED.—A recommendation of the Commission may be adopted and submitted under paragraph (1) if the recommendation is approved by a unanimous vote of the Commissioners at a meeting where a quorum is present pursuant to section 755(d).

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

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall also disseminate to the Federal Government, as well as to State, local, and tribal governments, a report that details the findings and supplemental guidance of the Commission regarding the criminal justice system at all levels of government.

(2) MAJORITY VOTE REQUIRED.—Commission findings and supplemental guidance may be adopted and included in the report required under paragraph (1) if the findings or guidance is approved by a majority vote of the Commissioners at a meeting where a quorum is present pursuant to section 755(d), except that any Commissioners dissenting from particular finding or supplemental guidance shall have the right to state the reason for their dissent in writing and such dissent shall be included in the report of the Commission.

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

(d) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(e) STATE AND LOCAL GOVERNMENT.—In issuing its recommendations and report under this section, the Commission shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(f) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(g) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(1) IN GENERAL.—The Commission shall—

(A) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

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

(2) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this section relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(h) SENSE OF CONGRESS, GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and supplemental guidance, and that unanimously supported findings and supplemental guidance should take precedence over those findings and supplemental guidance that are not unanimously supported.

SEC. 755. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

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

(2) One member shall be appointed by the leader of the Senate, in consultation with the leader of the House of Representatives, that is a member of the opposite party of the President, who shall serve as co-chairperson of the Commission.

(3) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(4) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(5) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(6) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(7) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(8) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(b) MEMBERSHIP.—

(1) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(A) law enforcement;

(B) criminal justice;

(C) national security;

(D) prison and jail administration;

(E) prisoner reentry;

(F) public health, including physical and sexual victimization, drug addiction and mental health;

(G) victims' rights;

(H) civil liberties;

(I) court administration;

(J) social services; and

(K) State, local, and tribal government.

(2) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

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

(c) APPOINTMENT; FIRST MEETING.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

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

(3) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) MEETINGS.—The Commission shall meet at the call of the co-chairpersons or a majority of its members.

(2) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this

Act, a quorum shall consist of a majority of the members of the Commission as of such day, so long as not less than 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(e) ACTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission—

(A) shall, subject to the requirements of section 754, act by resolution agreed to by a majority of the members of the Commission voting and present; and

(B) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this subtitle—

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

(ii) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(2) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairpersons of the Commission, take any action which the Commission is authorized to take pursuant to this Act.

SEC. 756. ADMINISTRATION.

(a) STAFF.—

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

(2) APPOINTMENT AND COMPENSATION.—The co-chairpersons of the Commission shall designate the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(4) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, a State, or a local government shall serve without compensation in addition to that received for their services as officers or employees.

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

(b) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairpersons of the Commission shall make requests for such access in writing when necessary.

(e) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims, and chapter 11 of title 18, United States Code, relating to conflicts of interest.

(f) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this Act. Upon the request of the co-chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(g) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) ADMINISTRATIVE REPORTING.—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(i) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(j) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(k) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(l) NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) MEETINGS AND MINUTES.—

(A) MEETINGS.—

(i) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(ii) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(m) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

SEC. 757. SUNSET.

The Commission shall terminate 60 days after the Commission submits the report required under section 754 to Congress.

SA 4138. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV add the following:

SEC. 405. AMENDMENTS TO THE ARMED CAREER CRIMINAL ACT.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking ''(a)(6), (d), (g), (h), (i), (j), or (o) of section 922'' and inserting ''(a)(6), (d), (h), (i), (j), or (o) of section 922, or, except as provided in subsection (e) of this section, subsection (g) of section 922''; and

(2) by striking subsection (e) and inserting the following:

''(e)(1) Whoever knowingly violates section 922(g) and has 3 or more previous serious felony convictions for offenses committed on occasions different from one another shall be fined under this title and imprisoned not less than 15 years and not more than 30 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).

''(2) In this subsection—

''(A) the term 'offense punishable by imprisonment for a statutory maximum term of not less than 10 years' includes an offense (without regard to the application of any sentencing guideline, statutory criterion, or judgment that may provide for a shorter period of imprisonment within the statutory sentencing range) for which the statute provides for a range in the period of imprisonment that may be imposed at sentencing the

maximum term of which is not less than 10 years; and

''(B) the term 'serious felony conviction' means—

''(i) any conviction by a court referred to in section 922(g)(1) for an offense that, at the time of sentencing, was an offense punishable by imprisonment for a statutory maximum term of not less than 10 years; or

''(ii) any group of convictions for which a court referred to in section 922(g)(1) imposed in the same proceeding or in consolidated proceedings a total term of imprisonment not less than 10 years, regardless of how many years of that total term the defendant served in custody.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall apply to any offense committed after the date of enactment of this Act by an individual who, on the date on which the offense is committed, has 3 or more previous serious felony convictions (as defined in subsection (e) of section 924 of title 18, United States Code, as amended by this section).

(2) RULE OF CONSTRUCTION.—This section and the amendments made by this section shall not be construed to create any right to challenge a sentence imposed under subsection (e) of section 924 of title 18, United States Code.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2901(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10581(a)) is amended—

(1) in paragraph (1), by striking ''and'';

(2) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking '', as defined in section 924(e)(2)(A) of title 18, United States Code''; and

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'serious drug offense' means—

''(A) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed by law; or

''(B) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), for which a maximum term of imprisonment of 10 years or more is prescribed by law.''.

SA 4139. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRIMES TARGETING LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 120. Crimes targeting law enforcement officers

''(a) IN GENERAL.—Whoever, in any circumstance described in subsection (b), knowingly causes bodily injury to any person, or attempts to do so, because of the actual or perceived status of the person as a law enforcement officer—

''(1) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(2) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(A) death results from the offense; or

''(B) the offense includes kidnapping or an attempt to kidnap, or an attempt to kill.

''(b) CIRCUMSTANCES DESCRIBED.—For purposes of subsection (a), the circumstances described in this subparagraph are that—

''(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(A) across a State line or national border; or

''(B) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(2) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subsection (a);

''(3) in connection with the conduct described in subsection (a), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(4) the conduct described in subsection (a)—

''(A) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(B) otherwise affects interstate or foreign commerce.

''(c) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—No prosecution of any offense described in this section may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

''(A) the State does not have jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in protecting the public safety; or

''(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

''(d) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.

''(e) STATUTE OF LIMITATIONS.—

''(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

''(2) OFFENSES RESULTING IN DEATH.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.

''(f) DEFINITIONS.—In this section:

''(1) LAW ENFORCEMENT OFFICER.—The term 'law enforcement officer' means an employee of a governmental or public agency who is authorized by law—

''(A) to engage in or supervise the prevention, detention, investigation, or the incarceration of any person for any criminal violation of law; and

''(B) to apprehend or arrest a person for any criminal violation of law.

''(2) STATE.—The term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''120. Crimes targeting law enforcement officers.''.

SA 4140. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4109 proposed by Mr. MCCONNELL (for Mr. KENNEDY (for himself and Mr. COTTON)) to the amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

In section 3632(d)(4)(D) of title 18, United States Code, as added by section 101 of this Act, add at the end the following:

''(liii) Section 32, relating to destruction of aircraft or aircraft facilities.

''(liv) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(lv) Section 36, relating to drive-by shootings.

''(lvi) Section 871, relating to threats against the President and successors to the Presidency.

''(lvii) Section 879, relating to threats against former Presidents and certain other persons.

''(lviii) Section 1091, relating to genocide.''.

''(lviv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

Notwithstanding any other provision of this Act, insert the following:

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in explicitly religious activities using direct financial assistance made available under this title or the amendments made by this title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, may be construed to amend any requirement under Federal law or the Constitution of the United States regarding funding for faith-based programs or activities.

Notwithstanding any other provision of this Act, insert the following:

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act.

(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a corrections system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

(3) 1 individual with expertise in assessing risk assessment implementation.

(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

(3) conducting research and data analysis on—

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs; and

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(4) reviewing and validating the risk and needs assessment system.

(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

(g) REPORT.—Not later than 1 year after the date of enactment of this Act and annually for each year until the Independent Review Committee terminates under this section, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a public report that includes—

(1) a list of all offenses of conviction for which prisoners were ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each offense the number of prisoners excluded, including demographic percentages by age, race, and sex;

(2) the criminal history categories of prisoners ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each category the number of prisoners excluded, including demographic percentages by age, race, and sex;

(3) the number of prisoners ineligible to apply time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, who do not participate in recidivism reduction programming or productive activities, including the demographic percentages by age, race, and sex;

(4) any recommendations for modifications to section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and any other recommendations regarding recidivism reduction.

(h) TERMINATION.—The Independent Review Committee shall terminate on the date that is 5 years after the date on which the risk and needs assessment system authorized by sections 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, is released.

SA 4141. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

On page 149, strike line 12 and insert the following:

shall be prohibited.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to impose any requirement on a State or local law enforcement agency.''.

SA 4142. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

In section 3632 of title 18, United States Code, as added by section 101 of this Act—

(1) in subsection (a)—

(A) in paragraph (6), insert ''and'' at the end;

(B) strike paragraph (7); and

(C) redesignate paragraph (8) as paragraph (7);

(2) in subsection (d)—

(A) strike paragraph (4); and

(B) redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(3) strike subsection (e) and insert the following:

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide general levels of violations and resulting reductions.''.

In section 3634(6)(A) of title 18, United States Code, as added by section 101 of this Act, strike ''under section 3624(g)''.

In section 102—

(1) strike ''(a) **IMPLEMENTATION OF SYSTEM GENERALLY**.—''; and

(2) strike subsection (b).

In section 103—

(1) strike paragraphs (3) and (7); and

(2) redesignate—

(A) paragraphs (4) through (6) as paragraphs (3) through (5), respectively; and

(B) paragraph (8) as paragraph (6).

In section 107—

(1) strike subsection (g); and

(2) redesignate subsection (h) as subsection (g).

Strike title IV.

Redesignate titles V and VI as titles IV and V, respectively.

Strike section 502, as redesignated.

Redesignate sections 503 through 513, as redesignated, as sections 502 through 512, respectively.

In section 503(a)—

(1) in paragraph (3), strike ''504(b)(1)(A)'' and insert ''404(b)(1)(A)''; and

(2) in paragraph (5)(A)(ii), strike ''504(b)(1)(B)'' and insert ''404(b)(1)(B)''.

SA 4143. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

In section 3631 of title 18, United States Code, as added by section 101(a) of this Act—

(1) in subsection (a)—

(A) in paragraph (4), add ''and'' at the end;

(B) in paragraph (5), strike ''; and'' and insert a period; and

(C) strike paragraph (6).

In section 3632 of title 18, United States Code, as added by section 101(a) of this Act—

(1) in subsection (a), strike '', in consultation with the Independent Review Committee authorized by the First Step Act of 2018,''; and

(2) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (C), strike the period at the end and insert '', except that the Director of the Bureau of Prisons may deny such a transfer if the warden of the prison finds that the prisoner should not be transferred into prerelease custody based on the prisoner's programmatic needs, the prisoner's conduct or actions after the conviction of such prisoner, the prisoner's risk of recidivism, the availability of the Bureau of Prisons' resources to ensure adequate supervision of the prisoner while in prerelease custody, and other conditions that the Director of the Bureau of Prisons determines are appropriate for public safety or recidivism reduction purposes. The determination of whether the prisoner should be transferred into prerelease custody or supervised release under this paragraph shall not be reviewable by any court.''; and

(ii) in strike subparagraph (E)(i) and insert the following:

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is—

''(I) the subject to an immigration detainer or to a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))); or

''(II) is found by the Director of the Bureau of Prisons to be likely to be a deportable alien described in section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)).''; and

(B) in paragraph (6), insert '', except no activity that earns a prisoner credit for any other incentive or reward shall earn the prisoner any incentives under this subsection'' before the period at the end.

In section 3633(a) of title 18, United States Code, as added by section 101(a) of this Act, strike '', in consultation with the Independent Review Committee authorized by the First Step Act of 2018,''.

In section 3635 of title 18, United States Code, as added by section 101(a) of this Act—

(1) in paragraph (3)—

(A) in subparagraph (B), strike ''and'' at the end;

(B) in subparagraph (C)(xiii), strike the period at the end and insert ''; and''; and

(C) add at the end the following:

''(D) may not include any training that would enhance the capacity of the prisoner to commit any crime similar to those for which the prisoner is incarcerated.'';

(2) strike paragraph (5);

(3) redesignate paragraph (6) as paragraph (5).

In section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act—

(1) strike paragraph (1)(D) and insert the following:

''(D) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner.''; and

(2) strike paragraph (2)(A) and insert the following:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.''.

Strike section 107.

Strike section 602.

Redesignate sections 603 through 613, as redesignated, as sections 602 through 612, respectively.

SA 4144. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike lines 1 through 14 and insert the following:

''(ii) Section 111, relating to assaulting, resisting, or impeding certain officers or employees.

''(iii) Section 113(a), relating to assaults within maritime and territorial jurisdiction.

On page 15, line 14, strike ''section 1112'' and all that follows through ''manslaughter),'' on line 18.

On page 16, line 3, strike ''persons,'' and all that follows through the end of line 4 and insert ''persons.''.

On page 16, strike line 20 and all that follows through page 17, line 7, and insert the following:

''(xxvii) Subsection (a), (d), or (e) of section 2113, relating to certain bank robberies and incidental crimes.

''(xxviii) Subsection (a) or (c) of section 2118, relating to certain robberies and burglaries involving controlled substances.

''(xxix) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

On page 20, strike line 19 and all that follows through page 21, line 2, and insert the following:

''(lii) Section 401 of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance.

On page 24, line 1, strike ''(lii)'' and insert ''(lxii)''.

On page 24, after line 24, add the following:

''(lxiii) Any offense under Federal law that is a crime of violence, as defined in section 16.

''(lxiv) Any offense under Federal law that is a sex offense, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911).

''(lxv) Section 36, relating to drive-by-shootings.

''(lxvi) Section 114, relating to maiming within maritime and territorial jurisdiction.

''(lxvii) Section 249, relating to hate crimes.

''(lxviii) Section 2101, relating to riots.

''(lxix) Section 2111, relating to robbery within the special maritime and territorial jurisdiction of the United States.

''(lxx) Section 2261, relating to interstate domestic violence.

''(lxxi) Section 2261A, relating to stalking.

''(lxxii) Section 2421, relating to transportation for illegal sexual activity.

''(lxxiii) Section 2422, relating to coercion and enticement relating to transportation for illegal sexual activity.

''(lxxiv) Section 2423, relating to transportation of minors for illegal sexual activity.

''(lxxv) Section 2425, relating to the use of interstate facilities to transmit information about a minor relating to illegal sexual activity.

''(lxxvi) Section 1010 or 1012 of the Controlled Substances Import Export Act (21 U.S.C. 960, 962), relating to importing or exporting controlled substances.

''(lxxvii) Section 70506 of title 46, United States Code, relating to maritime drug law enforcement.

On page 70, strike line 2 and all that follows through page 74, line 21.

SA 4145. Mr. PETERS (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. NATIONAL CRIMINAL JUSTICE COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) it is in the interest of the Nation to establish a commission to undertake a comprehensive review of the criminal justice system;

(2) there has not been a comprehensive study since the President's Commission on Law Enforcement and Administration of Justice was established in 1965;

(3) that commission, in a span of 18 months, produced a comprehensive report entitled ''The Challenge of Crime in a Free Society'', which contained 200 specific recommendations on all aspects of the criminal justice system involving Federal, State, Tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens; and

(4) developments over the intervening 50 years require once again that Federal, State, Tribal, and local governments, law enforcement agencies, including rank and file officers, civil rights organizations, community-based organization leaders, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

(b) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''National Criminal Justice Commission'' (referred to in this section as the ''Commission'').

(c) PURPOSE OF THE COMMISSION.—The Commission shall—

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

(2) make recommendations for Federal criminal justice reform to the President and Congress; and

(3) disseminate findings and supplemental guidance to the Federal Government, as well as to State, local, and Tribal governments.

(d) REVIEW, RECOMMENDATIONS, AND REPORT.—

(1) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and Tribal governments' criminal justice costs, practices, and policies.

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit to the President and Congress recommendations for changes in Federal oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(B) UNANIMOUS CONSENT REQUIRED.—A recommendation of the Commission may be adopted and submitted under subparagraph (A) if the recommendation is approved by a unanimous vote of the Commissioners at a meeting where a quorum is present pursuant to subsection (e)(4).

(C) REQUIREMENT.—The recommendations submitted under this paragraph shall be made available to the public.

(3) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the first meeting of the Commission,

the Commission shall also disseminate to the Federal Government, as well as to State, local, and Tribal governments, a report that details the findings and supplemental guidance of the Commission regarding the criminal justice system at all levels of government.

(B) MAJORITY VOTE REQUIRED.—Commission findings and supplemental guidance may be adopted and included in the report required under subparagraph (A) if the findings or guidance is approved by a majority vote of the Commissioners at a meeting where a quorum is present pursuant to subsection (e)(4), except that any Commissioners dissenting from particular finding or supplemental guidance shall have the right to state the reason for their dissent in writing and such dissent shall be included in the report of the Commission.

(C) REQUIREMENT.—The report submitted under this paragraph shall be made available to the public.

(4) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(5) STATE AND LOCAL GOVERNMENT.—In issuing its recommendations and report under this subsection, the Commission shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(6) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(7) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(A) IN GENERAL.—The Commission shall—

(i) closely consult with Federal, State, local, and Tribal government and nongovernmental leaders, including State, local, and Tribal law enforcement officials, including rank and file officers, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, community-based organization leaders, formerly incarcerated individuals, professional organizations, and corrections officials; and

(ii) include in the final report required under paragraph (3) summaries of the input and recommendations of those leaders.

(B) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this subsection relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(8) SENSE OF CONGRESS, GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and supplemental guidance, and that unanimously supported findings and supplemental guidance should take precedence over those findings and supplemental guidance that are not unanimously supported.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(A) One member shall be appointed by the President, and shall serve as co-chairman of the Commission.

(B) One member, who shall be a member of the opposite party of the President, shall be appointed by the leader of the Senate, in consultation with the leader of the House of Representatives, and shall serve as co-chairman of the Commission.

(C) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(D) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(E) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(F) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(G) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(H) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(2) MEMBERSHIP.—

(A) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(i) law enforcement;

(ii) criminal justice;

(iii) national security;

(iv) prison and jail administration;

(v) prisoner reentry;

(vi) public health, including physical and sexual victimization, drug addiction and mental health;

(vii) victims' rights;

(viii) civil rights;

(ix) civil liberties;

(x) court administration;

(xi) social services; and

(xii) State, local, and Tribal government.

(B) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(3) APPOINTMENT; FIRST MEETING.—

(A) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

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

(C) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the committees with a copy of the completed guidelines.

(4) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Commission shall meet at the call of the co-chairs or a majority of its members.

(B) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day, so long as not less than 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(5) ACTIONS OF COMMISSION.—

(A) IN GENERAL.—The Commission—

(i) shall, subject to the requirements of subsection (d), act by resolution agreed to by a majority of the members of the Commission voting and present; and

(ii) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title—

(I) which shall be subject to the review and control of the Commission; and

(II) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(B) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) ADMINISTRATION.—

(1) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(B) APPOINTMENT AND COMPENSATION.—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The Executive Director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(D) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual

performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

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

(2) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(5) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims, and chapter 11 of title 18, United States Code, relating to conflicts of interest.

(6) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this section. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(7) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) ADMINISTRATIVE REPORTING.—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(9) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(10) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(11) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(12) NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) MEETINGS AND MINUTES.—

(i) MEETINGS.—

(I) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(II) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(ii) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(13) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(g) AUTHORIZATION FOR USE OF FUNDS.—For each of fiscal years 2019 and 2020, the Attorney General may use, from any unobligated balances made available under the heading ''GENERAL ADMINISTRATION'' to the Department of Justice in an appropriations Act, such amounts as are necessary, not to exceed $7,000,000 per fiscal year and not to exceed $14,000,000 total for both fiscal years, to carry out this section, except that none of the funds authorized to be used to carry out this section may be used for international travel.

(h) SUNSET.—The Commission shall terminate 60 days after the Commission submits the report required under subsection (d)(3) to Congress.

SA 4146. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 130, strike line 9 and all that follows through page 132, line 6, and insert the following:

SEC. 605. GAO REPORT.

Beginning not later than 90 days

SA 4147. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 1 day after enactment.

SA 4148. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 2 days after enactment.

SA 4149. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 9, strike ''210'' and insert ''211''.

SA 4150. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. OFFICE FOR ACCESS TO JUSTICE.

The Attorney General shall reestablish the Office for Access to Justice as a separate office of the Department of Justice that is not within any other office or agency of the Department of Justice.

SA 4151. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. ACCESS TO RECIDIVISM REDUCTION PROGRAMMING IN OTHER LANGUAGES.

Any recidivism reduction programming provided or funded under this Act or an amendment made by this Act shall, upon request of a prisoner, be provided to the prisoner in his or her primary language.

SA 4152. Mr. BOOKER (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the

bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. FAIR CHANCE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Fair Chance to Compete for Jobs Act of 2018'' or the ''Fair Chance Act''.

(b) PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER FOR FEDERAL EMPLOYMENT.—

(1) IN GENERAL.—Subpart H of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 92—PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER

''§ 9201. Definitions

''In this chapter—

''(1) the term 'agency' means 'Executive agency' as such term is defined in section 105 and includes—

''(A) the United States Postal Service and the Postal Regulatory Commission; and

''(B) the Executive Office of the President;

''(2) the term 'appointing authority' means an employee in the executive branch of the Government of the United States that has authority to make appointments to positions in the civil service;

''(3) the term 'conditional offer' means an offer of employment in a position in the civil service that is conditioned upon the results of a criminal history inquiry;

''(4) the term 'criminal history record information'—

''(A) except as provided in subparagraphs (B) and (C), has the meaning given the term in section 9101(a);

''(B) includes any information described in the first sentence of section 9101(a)(2) that has been sealed or expunged pursuant to law; and

''(C) includes information collected by a criminal justice agency, relating to an act or alleged act of juvenile delinquency, that is analogous to criminal history record information (including such information that has been sealed or expunged pursuant to law); and

''(5) the term 'suspension' has the meaning given the term in section 7501.

''§ 9202. Limitations on requests for criminal history record information

''(a) INQUIRIES PRIOR TO CONDITIONAL OFFER.—Except as provided in subsections (b) and (c), an employee of an agency may not request, in oral or written form (including through the Declaration for Federal Employment (Office of Personnel Management Optional Form 306) or any similar successor form, the USAJOBS Internet Web site, or any other electronic means) that an applicant for an appointment to a position in the civil service disclose criminal history record information regarding the applicant before the appointing authority extends a conditional offer to the applicant.

''(b) OTHERWISE REQUIRED BY LAW.—The prohibition under subsection (a) shall not apply with respect to an applicant for a position in the civil service if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(c) EXCEPTION FOR CERTAIN POSITIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply with respect to an applicant for an appointment to a position—

''(A) that requires a determination of eligibility described in clause (i), (ii), or (iii) of section 9101(b)(1)(A);

''(B) as a Federal law enforcement officer (as defined in section 115(c) of title 18); or

''(C) identified by the Director of the Office of Personnel Management in the regulations issued under paragraph (2).

''(2) REGULATIONS.—

''(A) ISSUANCE.—The Director of the Office of Personnel Management shall issue regulations identifying additional positions with respect to which the prohibition under subsection (a) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(B) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under subparagraph (A) shall—

''(i) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(ii) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''§ 9203. Agency policies; complaint procedures

''The Director of the Office of Personnel Management shall—

''(1) develop, implement, and publish a policy to assist employees of agencies in complying with section 9202 and the regulations issued pursuant to such section; and

''(2) establish and publish procedures under which an applicant for an appointment to a position in the civil service may submit a complaint, or any other information, relating to compliance by an employee of an agency with section 9202.

''§ 9204. Adverse action

''(a) FIRST VIOLATION.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee of an agency has violated section 9202, the Director shall—

''(1) issue to the employee a written warning that includes a description of the violation and the additional penalties that may apply for subsequent violations; and

''(2) file such warning in the employee's official personnel record file.

''(b) SUBSEQUENT VIOLATIONS.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee that was subject to subsection (a) has committed a subsequent violation of section 9202, the Director may take the following action:

''(1) For a second violation, suspension of the employee for a period of not more than 7 days.

''(2) For a third violation, suspension of the employee for a period of more than 7 days.

''(3) For a fourth violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $250.

''(4) For a fifth violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $500.

''(5) For any subsequent violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $1,000.

''§ 9205. Procedures

''(a) APPEALS.—The Director of the Office of Personnel Management shall by rule establish procedures providing for an appeal from any adverse action taken under section 9204 by not later than 30 days after the date of the action.

''(b) APPLICABILITY OF OTHER LAWS.—An adverse action taken under section 9204 (including a determination in an appeal from such an action under subsection (a) of this section) shall not be subject to—

''(1) the procedures under chapter 75; or

''(2) except as provided in subsection (a) of this section, appeal or judicial review.

''§ 9206. Rules of construction

''Nothing in this chapter may be construed to—

''(1) authorize any officer or employee of an agency to request the disclosure of information described under subparagraphs (B) and (C) of section 9201(4); or

''(2) create a private right of action for any person.''.

(2) REGULATIONS; EFFECTIVE DATE.—

(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out chapter 92 of title 5, United States Code (as added by this section).

(B) EFFECTIVE DATE.—Section 9202 of title 5, United States Code (as added by this section), shall take effect on the date that is 2 years after the date of enactment of this Act.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 91 the following:

''92. Prohibition on criminal history inquiries prior to conditional offer ..... 9201''.

(4) APPLICATION TO LEGISLATIVE BRANCH.—

(A) IN GENERAL.—The Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended—

(i) in section 102(a) (2 U.S.C. 1302(a)), by adding at the end the following:

''(12) Section 9202 of title 5, United States Code.'';

(ii) by redesignating section 207 (2 U.S.C. 1317) as section 208; and

(iii) by inserting after section 206 (2 U.S.C. 1316) the following new section:

''SEC. 207. RIGHTS AND PROTECTIONS RELATING TO CRIMINAL HISTORY INQUIRIES.

''(a) DEFINITIONS.—In this section, the terms 'agency', 'criminal history record information', and 'suspension' have the meanings given the terms in section 9201 of title 5, United States Code, except as otherwise modified by this section.

''(b) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an employee of an employing office may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5, United States Code, if made by an employee of an agency.

''(B) CONDITIONAL OFFER.—For purposes of applying that section 9202 under subparagraph (A), a reference in that section 9202 to a conditional offer shall be considered to be

an offer of employment as a covered employee that is conditioned upon the results of a criminal history inquiry.

''(2) RULES OF CONSTRUCTION.—The provisions of section 9206 of title 5, United States Code, shall apply to employing offices, consistent with regulations issued under subsection (d).

''(c) REMEDY.—

''(1) IN GENERAL.—The remedy for a violation of subsection (b)(1) shall be such remedy as would be appropriate if awarded under section 9204 of title 5, United States Code, if the violation had been committed by an employee of an agency, consistent with regulations issued under subsection (d), except that the reference in that section to a suspension shall be considered to be a suspension with the level of compensation provided for a covered employee who is taking unpaid leave under section 202.

''(2) PROCESS FOR OBTAINING RELIEF.—An applicant for employment as a covered employee who alleges a violation of subsection (b)(1) may rely on the provisions of title IV (other than sections 404(2), 407, and 408), consistent with regulations issued under subsection (d).

''(d) REGULATIONS TO IMPLEMENT SECTION.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2018, the Board shall, pursuant to section 304, issue regulations to implement this section.

''(2) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations issued by the Director of the Office of Personnel Management under subsection (b)(2)(A) of the Fair Chance to Compete for Jobs Act of 2018 to implement the statutory provisions referred to in subsections (a) through (c) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

''(e) EFFECTIVE DATE.—Section 102(a)(12) and subsections (a) through (c) shall take effect on the date on which section 9202 of title 5, United States Code, applies with respect to agencies.''.

(B) CLERICAL AMENDMENTS.—

(i) The table of contents in section 1(b) of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) is amended—

(I) by redesignating the item relating to section 207 as the item relating to section 208; and

(II) by inserting after the item relating to section 206 the following new item:

''Sec. 207. Rights and protections relating to criminal history inquiries.''.

(ii) Section 62(e)(2) of the Internal Revenue Code of 1986 is amended by striking ''207'' and inserting ''208''.

(5) APPLICATION TO JUDICIAL BRANCH.—

(A) IN GENERAL.—Section 604 of title 28, United States Code, is amended by adding at the end the following:

''(i) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the terms 'agency' and 'criminal history record information' have the meanings given those terms in section 9201 of title 5;

''(B) the term 'covered employee' means an employee of the judicial branch of the United States Government, other than—

''(i) any judge or justice who is entitled to hold office during good behavior;

''(ii) a United States magistrate judge; or

''(iii) a bankruptcy judge; and

''(C) the term 'employing office' means any office or entity of the judicial branch of the United States Government that employs covered employees.

''(2) RESTRICTION.—A covered employee may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5 if made by an employee of an agency.

''(3) EMPLOYING OFFICE POLICIES; COMPLAINT PROCEDURE.—The provisions of sections 9203 and 9206 of title 5 shall apply to employing offices and to applicants for employment as covered employees, consistent with regulations issued by the Director to implement this subsection.

''(4) ADVERSE ACTION.—

''(A) ADVERSE ACTION.—The Director may take such adverse action with respect to a covered employee who violates paragraph (2) as would be appropriate under section 9204 of title 5 if the violation had been committed by an employee of an agency.

''(B) APPEALS.—The Director shall by rule establish procedures providing for an appeal from any adverse action taken under subparagraph (A) by not later than 30 days after the date of the action.

''(C) APPLICABILITY OF OTHER LAWS.—Except as provided in subparagraph (B), an adverse action taken under subparagraph (A) (including a determination in an appeal from such an action under subparagraph (B)) shall not be subject to appeal or judicial review.

''(5) REGULATIONS TO BE ISSUED.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2018, the Director shall issue regulations to implement this subsection.

''(B) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Director of the Office of Personnel Management under subsection (b)(2)(A) of the Fair Chance to Compete for Jobs Act of 2018 except to the extent that the Director of the Administrative Office of the United States Courts may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

''(6) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the date on which section 9202 of title 5 applies with respect to agencies.''.

(c) PROHIBITION ON CRIMINAL HISTORY INQUIRIES BY CONTRACTORS PRIOR TO CONDITIONAL OFFER.—

(1) CIVILIAN AGENCY CONTRACTS.—

(A) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 4713. Prohibition on criminal history inquiries by contractors prior to conditional offer

''(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an executive agency—

''(A) may not require that an individual or sole proprietor who submits a bid for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee; and

''(B) shall require, as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally, or through written form, request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before the contractor extends a conditional offer to the applicant.

''(2) OTHERWISE REQUIRED BY LAW.—The prohibition under paragraph (1) does not apply with respect to a contract if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(3) EXCEPTION FOR CERTAIN POSITIONS.—

''(A) IN GENERAL.—The prohibition under paragraph (1) does not apply with respect to—

''(i) a contract that requires an individual hired under the contract to access classified information or to have sensitive law enforcement or national security duties; or

''(ii) a position that the Administrator of General Services identifies under the regulations issued under subparagraph (B).

''(B) REGULATIONS.—

''(i) ISSUANCE.—Not later than 16 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2018, the Administrator of General Services, in consultation with the Secretary of Defense, shall issue regulations identifying additional positions with respect to which the prohibition under paragraph (1) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(ii) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under clause (i) shall—

''(I) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(II) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''(b) COMPLAINT PROCEDURES.—The Administrator of General Services shall establish and publish procedures under which an applicant for a position with a Federal contractor may submit to the Administrator a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(c) ACTION FOR VIOLATIONS OF PROHIBITION ON CRIMINAL HISTORY INQUIRIES.—

''(1) FIRST VIOLATION.—If the head of an executive agency determines that a contractor has violated subsection (a)(1)(B), such head shall—

''(A) notify the contractor;

''(B) provide 30 days after such notification for the contractor to appeal the determination; and

''(C) issue a written warning to the contractor that includes a description of the violation and the additional remedies that may apply for subsequent violations.

''(2) SUBSEQUENT VIOLATION.—If the head of an executive agency determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), such head shall notify the contractor, shall provide 30 days after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor's history of violations, including—

''(A) providing written guidance to the contractor that the contractor's eligibility for contracts requires compliance with this section;

''(B) requiring that the contractor respond within 30 days affirming that the contractor is taking steps to comply with this section; and

''(C) suspending payment under the contract for which the applicant was being considered until the contractor demonstrates compliance with this section.

''(d) DEFINITIONS.—In this section:

''(1) CONDITIONAL OFFER.—The term 'conditional offer' means an offer of employment for a position related to work under a contract that is conditioned upon the results of a criminal history inquiry.

''(2) CRIMINAL HISTORY RECORD INFORMATION.—The term 'criminal history record information' has the meaning given that term in section 9201 of title 5.''.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 41, United States Code, is amended by inserting after the item relating to section 4712 the following new item:

''4713. Prohibition on criminal history inquiries by contractors prior to conditional offer.''.

(C) EFFECTIVE DATE.—Section 4713 of title 41, United States Code, as added by subparagraph (A), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in subsection (b)(2)(B) of this section.

(2) DEFENSE CONTRACTS.—

(A) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2338 the following new section:

''§ 2339. Prohibition on criminal history inquiries by contractors prior to conditional offer

''(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the head of an agency—

''(A) may not require that an individual or sole proprietor who submits a bid for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee; and

''(B) shall require as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally or through written form request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before such contractor extends a conditional offer to the applicant.

''(2) OTHERWISE REQUIRED BY LAW.—The prohibition under paragraph (1) does not apply with respect to a contract if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(3) EXCEPTION FOR CERTAIN POSITIONS.—

''(A) IN GENERAL.—The prohibition under paragraph (1) does not apply with respect to—

''(i) a contract that requires an individual hired under the contract to access classified information or to have sensitive law enforcement or national security duties; or

''(ii) a position that the Secretary of Defense identifies under the regulations issued under subparagraph (B).

''(B) REGULATIONS.—

''(i) ISSUANCE.—Not later than 16 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2018, the Secretary of Defense, in consultation with the Administrator of General Services, shall issue regulations identifying additional positions with respect to which the prohibition under paragraph (1) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(ii) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under clause (i) shall—

''(I) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(II) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''(b) COMPLAINT PROCEDURES.—The Secretary of Defense shall establish and publish procedures under which an applicant for a position with a Department of Defense contractor may submit a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(c) ACTION FOR VIOLATIONS OF PROHIBITION ON CRIMINAL HISTORY INQUIRIES.—

''(1) FIRST VIOLATION.—If the Secretary of Defense determines that a contractor has violated subsection (a)(1)(B), the Secretary shall—

''(A) notify the contractor;

''(B) provide 30 days after such notification for the contractor to appeal the determination; and

''(C) issue a written warning to the contractor that includes a description of the violation and the additional remedies that may apply for subsequent violations.

''(2) SUBSEQUENT VIOLATIONS.—If the Secretary of Defense determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), the Secretary shall notify the contractor, shall provide 30 days after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor's history of violations, including—

''(A) providing written guidance to the contractor that the contractor's eligibility for contracts requires compliance with this section;

''(B) requiring that the contractor respond within 30 days affirming that the contractor is taking steps to comply with this section; and

''(C) suspending payment under the contract for which the applicant was being considered until the contractor demonstrates compliance with this section.

''(d) DEFINITIONS.—In this section:

''(1) CONDITIONAL OFFER.—The term 'conditional offer' means an offer of employment for a position related to work under a contract that is conditioned upon the results of a criminal history inquiry.

''(2) CRIMINAL HISTORY RECORD INFORMATION.—The term 'criminal history record information' has the meaning given that term in section 9201 of title 5.''.

(B) EFFECTIVE DATE.—Section 2339(a) of title 10, United States Code, as added by subparagraph (A), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in subsection (b)(2)(B) of this section.

(C) CLERICAL AMENDMENT.—The table of sections for chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2338 the following new item:

''2339. Prohibition on criminal history inquiries by contractors prior to conditional offer.''.

(3) REVISIONS TO FEDERAL ACQUISITION REGULATION.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation to implement section 4713 of title 41, United States Code, and section 2339 of title 10, United States Code, as added by this subsection.

(B) CONSISTENCY WITH OFFICE OF PERSONNEL MANAGEMENT REGULATIONS.—The Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation under subparagraph (A) to be consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (b)(2)(A) to the maximum extent practicable. The Council shall include together with such revision an explanation of any substantive modification of the Office of Personnel Management regulations, including an explanation of how such modification will more effectively implement the rights and protections under this section.

(d) REPORT ON EMPLOYMENT OF INDIVIDUALS FORMERLY INCARCERATED IN FEDERAL PRISONS.—

(1) DEFINITION.—In this subsection, the term ''covered individual''—

(A) means an individual who has completed a term of imprisonment in a Federal prison for a Federal criminal offense; and

(B) does not include an alien who is or will be removed from the United States for a violation of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(2) STUDY AND REPORT REQUIRED.—The Director of the Bureau of Justice Statistics, in coordination with the Director of the Bureau of the Census, shall—

(A) not later than 180 days after the date of enactment of this Act, design and initiate a study on the employment of covered individuals after their release from Federal prison, including by collecting—

(i) demographic data on covered individuals, including race, age, and sex; and

(ii) data on employment and earnings of covered individuals who are denied employment, including the reasons for the denials; and

(B) not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, submit a report that does not include any personally identifiable information on the study conducted under subparagraph (A) to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Health, Education, Labor, and Pensions of the Senate;

(iii) the Committee on Oversight and Government Reform of the House of Representatives; and

(iv) the Committee on Education and the Workforce of the House of Representatives.

SA 4153. Mr. CRAPO (for Mr. JONES) proposed an amendment to the bill S. 3191, to provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil Rights Cold Case Records Collection Act of 2018''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ARCHIVIST.—The term ''Archivist'' means the Archivist of the United States.

(2) CIVIL RIGHTS COLD CASE.—The term ''civil rights cold case'' means any unsolved case—

(A) arising out of events which occurred during the period beginning on January 1, 1940 and ending on December 31, 1979; and

(B) related to—

(i) section 241 of title 18, United States Code (relating to conspiracy against rights);

(ii) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(iii) section 245 of title 18, United States Code (relating to federally protected activities);

(iv) sections 1581 and 1584 of title 18, United States Code (relating to peonage and involuntary servitude);

(v) section 901 of the Fair Housing Act (42 U.S.C. 3631); or

(vi) any other Federal law that was—

(I) in effect on or before December 31, 1979; and

(II) enforced by the criminal section of the Civil Rights Division of the Department of Justice before the date of enactment of this Act.

(3) CIVIL RIGHTS COLD CASE RECORD.—The term ''civil rights cold case record'' means a record that—

(A) is related to a civil rights cold case; and

(B) was created or made available for use by, obtained by, or otherwise came into the possession of—

(i) the Library of Congress;

(ii) the National Archives;

(iii) any executive agency;

(iv) any independent agency;

(v) any other entity of the Federal Government; or

(vi) any State or local government, or component thereof, that provided support or assistance or performed work in connection with a Federal inquiry into a civil rights cold case.

(4) COLLECTION.—The term ''Collection'' means the Civil Rights Cold Case Records Collection established under section 3.

(5) EXECUTIVE AGENCY.—The term ''executive agency'' means an agency, as defined in section 552(f) of title 5, United States Code.

(6) GOVERNMENT OFFICE.—The term ''Government office'' means any office of the Federal Government that has possession or control of 1 or more civil rights cold case records.

(7) GOVERNMENT OFFICIAL.—The term ''Government official'' means any officer or employee of the United States, including elected and appointed officials.

(8) NATIONAL ARCHIVES.—The term ''National Archives'' means the National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(9) OFFICIAL INVESTIGATION.—The term ''official investigation'' means the review of a civil rights cold case conducted by any entity of the Federal Government either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(10) ORIGINATING BODY.—The term ''originating body'' means the executive agency, Government commission, congressional committee, or other Governmental entity that created a record or particular information within a record.

(11) PUBLIC INTEREST.—The term ''public interest'' means the compelling interest in the prompt public disclosure of civil rights cold case records for historical and Governmental purposes and for the purpose of fully informing the people of the United States about the history surrounding all civil rights cold cases in the United States.

(12) RECORD.—The term ''record'' has the meaning given the term in section 3301 of title 44, United States Code.

(13) REVIEW BOARD.—The term ''Review Board'' means the Civil Rights Cold Case Records Review Board established under section 5.

SEC. 3. CIVIL RIGHTS COLD CASE RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORD ADMINISTRATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF THE CIVIL RIGHTS COLD CASE RECORDS COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Archivist shall—

(A) commence establishing a collection of civil rights cold case records to be known as the ''Civil Rights Cold Case Records Collection'' that ensures the physical integrity and original provenance of all records in the Collection;

(B) commence preparing and publishing the subject guidebook and index to the Collection; and

(C) establish criteria for Government offices to follow when transmitting copies of civil rights cold case records to the Archivist, to include required metadata.

(2) CONTENTS OF COLLECTION.—The Collection shall include—

(A) a copy of each civil rights cold case record—

(i) that has not been transmitted to the Archivist, which shall be transmitted to the Archivist in accordance with section 2107 of title 44, United States Code, by the entity described in section 2(3)(B) in possession of the civil rights cold case record, except in the case of a State or local government;

(ii) that has been transmitted to the Archivist or disclosed to the public in an unredacted form before the date of the enactment of this Act;

(iii) that is required to be transmitted to the Archivist; or

(iv) the disclosure of which is postponed under this Act; and

(B) all Review Board records, as required under this Act.

(b) DISCLOSURE OF RECORDS.—All civil rights cold case records transmitted to the Archivist for disclosure to the public—

(1) shall be included in the Collection;

(2) not later than 60 days after the transmission of the record to the Archivist, shall be available to the public for inspection and copying at the National Archives; and

(3) shall be prioritized for digitization by the National Archives.

(c) FEES FOR COPYING.—The Archivist shall—

(1) use efficient electronic means when possible;

(2) charge fees for copying civil rights cold case records; and

(3) grant waivers of such fees pursuant to the standard established under section 552(a)(4) of title 5, United States Code.

(d) ADDITIONAL REQUIREMENTS.—The Archivist shall ensure the security of civil rights cold case records in the Collection for which disclosure is postponed.

(e) TRANSMISSION TO THE NATIONAL ARCHIVES.—

(1) IN GENERAL.—Subject to paragraph (2), each Government office shall, in accordance with the criteria established by the Archivist under subsection (a)(1)(C)—

(A) as soon as is reasonably practicable, and in any event not later than 2 years after the date of the enactment of this Act, transmit to the Archivist, for the Archivist to make available to the public in accordance with subsection (b), a copy of each civil rights cold case record that can be publicly disclosed, including any such record that is publicly available on the date of enactment of this Act, without any redaction, adjustment, or withholding under the standards of this Act; and

(B) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this Act, a copy of each civil rights cold case record for which public disclosure has been postponed, in whole or in part, under the standards of this Act, to become part of the protected Collection.

(2) REOPENING OF CASES.—If, not later than 2 years after the date of enactment of this Act, the Attorney General submits to the Archivist a certification that the Attorney General intends to reopen and pursue prosecution of the civil rights cold case to which a civil rights cold case record relates, the Attorney General shall transmit to the Archivist the civil rights cold case record in accordance with paragraph (1)—

(A) not later than 90 days after—

(i) final judgment is entered in the proceedings relating to the civil rights cold case; or

(ii) proceedings relating to the civil rights cold case are dismissed with prejudice; or

(B) not later than the date that is 1 year after the date on which the Attorney General submits to the Archivist the certification, if an indictment or information has not been filed with respect to the civil rights cold case.

(f) PERIODIC REVIEW OF POSTPONED CIVIL RIGHTS COLD CASE RECORDS.—

(1) IN GENERAL.—Each civil rights cold case record that is redacted or for which public disclosure is postponed shall be reviewed not later than December 31 each year by the entity submitting the record and the Archivist, consistent with the recommendations of the Review Board under section 7(c)(3)(B).

(2) REQUIREMENTS OF PERIODIC REVIEW.—The periodic review under paragraph (1) shall address the public disclosure of additional civil rights cold case records in the Collection under the standards of this Act.

(3) UNCLASSIFIED WRITTEN DESCRIPTION.—Any civil rights cold case record for which postponement of public disclosure is continued shall include an unclassified written description of the reason for such continued postponement, which shall be provided to the Archivist and made available on a publicly accessible website upon the determination to continue the postponement.

(4) FULL DISCLOSURE OF CIVIL RIGHTS COLD CASE RECORD REQUIRED.—

(A) IN GENERAL.—Each civil rights cold case record that is not publicly disclosed in full as of the date on which the Review Board terminates under section 5(n) shall be publicly disclosed in full and available in the Collection not later than 25 years after the date of enactment of this Act unless—

(i) the head of the originating body, an executive agency, or other Government office recommends in writing the exemption of the record or information, the release of which would clearly and demonstrably be expected to—

(I) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(II) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(ii) the written recommendation described in clause (i)—

(I) is provided to the Archivist not later than 180 days before the date that is 25 years after the date of enactment of this Act; and

(II) includes—

(aa) a justification of the recommendation to postpone disclosure; and

(bb) a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act; and

(iii) the Archivist agrees with the written recommendation described in clause (i).

(B) NOTIFICATION.—If the Archivist does not agree with the recommendation described in subparagraph (A)(i), the Archivist shall notify the head of the originating body, executive agency, or other Government office making the recommendation not later

than 90 days before the date that is 25 years after the date of enactment of this Act.

(g) DIGITIZATION OF RECORDS.—Each executive agency shall make text searchable documents available to the Review Board pursuant to standards established under section 552(a)(3) of title 5, United States Code.

(h) NOTICE REGARDING PUBLIC DISCLOSURE.—

(1) FINDING.—Congress finds that the public release of case-related documents and information without notice may significantly affect the victims of the events to which the case relates and their next of kin.

(2) NOTICE.—Not later than 7 days before a civil rights cold case record is publicly disclosed, the executive agency releasing the civil rights cold case record, in coordination with the Government office that had possession or control of the civil rights cold case record, shall take all reasonable efforts to provide the civil rights cold case record to the victims of the events to which the civil rights cold case record relates, or their next of kin.

SEC. 4. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

Disclosure of civil rights cold case records or particular information within a civil rights cold case record to the public may be postponed subject to the limitations of this Act if disclosure would clearly and demonstrably be expected to—

(1)(A) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(B) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(2)(A) reveal the name or identity of a living individual who provided confidential information to the United States; and

(B) pose a substantial risk of harm to that individual;

(3) constitute an unwarranted invasion of personal privacy;

(4)(A) compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or group; and

(B) be so harmful that the understanding of confidentiality outweighs the public interest;

(5) endanger the life or physical safety of any individual; or

(6) interfere with ongoing law enforcement proceedings.

SEC. 5. ESTABLISHMENT AND POWERS OF THE CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established, as an independent agency, a board to be known as the Civil Rights Cold Case Records Review Board.

(b) APPOINTMENT.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 individuals to serve as members of the Review Board, to ensure and facilitate the review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(2) INITIAL APPOINTMENT.—

(A) IN GENERAL.—Initial appointments to the Review Board shall, so far as practicable, be made not later than 60 days after the date of enactment of this Act.

(B) RECOMMENDATIONS.—In making appointments to the Review Board, the President may consider any individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(C) EXTENSION.—If an organization described in subparagraph (B) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (3) within 60 days after the date of enactment of this Act, the deadline under subparagraph (A) shall be extended until the earlier of 60 days after the date on which such recommendations are made or 120 days after the date of enactment of this Act.

(D) ADDITIONAL RECOMMENDATIONS.—The President may request that any organization described in subparagraph (B) submit additional recommended nominees.

(3) QUALIFICATIONS.—Individuals nominated to the Review Board shall—

(A) not have had any previous involvement with any official investigation or inquiry conducted by the Federal Government, or any State or local government, relating to any civil rights cold case;

(B) be distinguished individuals of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to fulfill their role in ensuring and facilitating the review, transmission to the public, and public disclosure of files related to civil rights cold cases and who possess an appreciation of the value of such material to the public, scholars, and government; and

(C) include at least 1 professional historian and 1 attorney.

(c) SECURITY CLEARANCES.—All Review Board nominees shall be processed for the necessary security clearances in an accelerated manner by the appropriate Federal agencies and subject to the standard procedures for granting such clearances.

(d) VACANCY.—A vacancy on the Review Board shall be filled in the same manner as the original appointment within 60 days of the occurrence of the vacancy.

(e) CHAIRPERSON.—The members of the Review Board shall elect 1 of the members as chairperson.

(f) REMOVAL OF REVIEW BOARD MEMBER.—

(1) IN GENERAL.—No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2) REPORT.—

(A) IN GENERAL.—If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal, the President shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(B) PUBLICATION.—The President shall publish in the Federal Register a report submitted under subparagraph (A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law.

(3) JUDICIAL REVIEW.—

(A) IN GENERAL.—A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) RELIEF.—The member may be reinstated or granted other appropriate relief by order of the court.

(g) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(h) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of civil rights cold case records.

(2) DECISIONS.—In carrying out paragraph (1), the Review Board shall consider and render decisions on—

(A) whether a record constitutes a civil rights cold case record; and

(B) whether a civil rights cold case record or particular information in a record qualifies for postponement of disclosure under this Act.

(i) POWERS.—

(1) IN GENERAL.—The Review Board shall have the authority to act in a manner prescribed under this Act including the authority to—

(A) obtain access to civil rights cold case records that have been identified and organized by a Government office;

(B) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act;

(C) subpoena private persons to compel the production of documents and other records relevant to its responsibilities under this Act;

(D) require any Government office to account in writing for the destruction of any records relating to civil rights cold cases;

(E) receive information from the public regarding the identification and public disclosure of civil rights cold case records; and

(F) hold hearings, administer oaths, and subpoena documents and other records.

(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under this subsection may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(j) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of chapter 601 of title 18, United States Code.

(k) OVERSIGHT.—

(1) IN GENERAL.—The Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) COOPERATION OF REVIEW BOARD.—The Review Board shall have a duty to cooperate with the exercise of the oversight jurisdiction described in paragraph (1).

(l) SUPPORT SERVICES.—The Administrator of General Services shall provide administrative services for the Review Board on a reimbursable basis.

(m) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(n) TERMINATION.—

(1) IN GENERAL.—The Review Board shall terminate not later than 4 years after the date of enactment of this Act, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if the Review Board has not completed its work within that 4-year period.

(2) REPORTS.—Before its termination, the Review Board shall submit reports to the President and the Congress, including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) TRANSFER OF RECORDS.—

(A) IN GENERAL.—Upon termination, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection.

(B) PRESERVATION OF RECORDS.—The records of the Review Board shall not be destroyed, except that the Archivist may destroy routine administrative records covered by a general records schedule following notification in the Federal Register and after considering comments.

SEC. 6. REVIEW BOARD PERSONNEL.

(a) CHIEF OF STAFF.—

(1) APPOINTMENT.—Not later than 45 days after the initial meeting of the Review Board, and without regard to political affiliation, the Review Board shall appoint an individual to the position of Chief of Staff of the Review Board.

(2) REQUIREMENTS.—The individual appointed as Chief of Staff—

(A) shall be a citizen of the United States of integrity and impartiality who is a distinguished professional; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) CANDIDATE TO HAVE CLEARANCES.—A candidate for Chief of Staff shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(4) APPROVAL CONTINGENT ON PRIOR CLEARANCE.—A candidate for Chief of Staff shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(5) DUTIES.—The Chief of Staff shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the Review Board's review of records;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) have no authority to decide or determine whether any record shall be disclosed to the public or postponed for disclosure.

(6) REMOVAL.—The Chief of Staff shall not be removed except upon a majority vote of the Review Board to remove the Chief of Staff for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Chief of Staff or the employees of the Review Board.

(b) STAFF.—

(1) ADDITIONAL PERSONNEL.—The Review Board may, in accordance with the civil service laws but without regard to civil service laws and regulations for appointments in the competitive service under subchapter I of chapter 33 of title 5, United States Code, appoint and terminate additional employees as are necessary to enable the Review Board and its Chief of Staff to perform their duties.

(2) REQUIREMENTS.—An individual appointed as an employee of the Review Board—

(A) shall be a private citizen of integrity and impartiality; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) NOMINATIONS.—Before making an appointment pursuant to paragraph (1), the Review Board shall consider individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(4) SECURITY CLEARANCES.—A candidate shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Chief of Staff and other employees in accordance with title 5, United States Code, except that the rate of pay for the Chief of Staff and other employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) ADVISORY COMMITTEES.—The Review Board may create advisory committees to assist in fulfilling the responsibilities of the Review Board under this Act.

SEC. 7. REVIEW OF RECORDS BY THE REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY THE BOARD.—Pending the outcome of the Review Board's review activity, a Government office shall retain custody of a civil rights cold case record for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

(b) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date on which all members of the Review Board are appointed, publish a schedule for review of all civil rights cold case records in the Federal Register; and

(2) not later than 180 days after the enactment of this Act, begin its review of civil rights cold case records under this Act.

(c) DETERMINATION OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that copies of all civil rights cold case records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not a civil rights cold case record; or

(B) a Government record or particular information within a civil rights cold case record qualifies for postponement of public disclosure under this Act, which shall include consideration by the Review Board of relevant laws and policies protecting criminal records of juveniles.

(2) POSTPONEMENT.—In approving postponement of public disclosure of a civil rights cold case record, the Review Board shall work to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this Act, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in a civil rights cold case record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a civil rights cold case record.

(3) REPORT.—With respect to each civil rights cold case record or particular information in civil rights cold case records the public disclosure of which is postponed under section 4, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist a report containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board with regard to specific civil rights cold case records; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act.

(4) NOTICE.—Not later than 14 days after the Review Board makes a determination that a civil rights cold case record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of its determination and publish a copy of the determination in the Federal Register.

(5) OTHER NOTICE.—Contemporaneous notice shall be made to the President of Review Board determinations regarding executive branch civil rights cold case records, and to the oversight committees designated in this Act in the case of legislative branch records. Such notice shall contain an unclassified written justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards under section 4.

(d) PRESIDENTIAL AUTHORITY OVER REVIEW BOARD DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an executive branch civil rights cold case record or information contained in a civil rights cold case record, obtained or developed solely within the executive branch, the President shall have the sole and nondelegable authority to require the disclosure or postponement of such record or information under the standards set forth in section 4, and the President shall provide the Review Board with an unclassified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive agency as required under this Act, stating the justification for the President's decision, including the applicable grounds for postponement under section 4.

(2) PERIODIC REVIEW.—Any executive branch civil rights cold case record for which public disclosure is postponed by the President shall be subject to the requirements of periodic review and declassification of classified information and public disclosure in the Collection set forth in section 3.

(3) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Review Board shall, upon its receipt, publish in the Federal Register a copy of any unclassified written certification, statement, or other materials transmitted by or on behalf of the President with regard

to postponement of the public disclosure of civil rights cold case records.

(e) NOTICE TO THE PUBLIC.—On each day that is on or after the date that is 60 days after the Review Board first approves the postponement of disclosure of a civil rights cold case record, the Review Board shall publish on a publicly available website a notice that summarizes the postponements approved by the Review Board or initiated by the President, including a description of the subject, originating body, length or other physical description, and each ground for postponement that is relied upon.

(f) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall report its activities to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) DEADLINES.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until termination of the Review Board, the Review Board shall issue a report under paragraph (1).

(3) CONTENTS.—Each report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its employees.

(B) The progress made on review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(C) The estimated time and volume of civil rights cold case records involved in the completion of the Review Board's performance under this Act.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to operate as required by this Act.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this Act, and a record of the volume of records reviewed and postponed.

(F) Recommendations and requests to Congress for additional authorization.

(G) An appendix containing copies of reports of postponed records to the Archivist required under subsection (c)(3) made since the date of the preceding report under this subsection.

(4) NOTICE OF TERMINATION.—Not later than 90 days before terminating, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date.

SEC. 8. DISCLOSURE OF OTHER INFORMATION AND ADDITIONAL STUDY.

(a) MATERIALS UNDER THE SEAL OF THE COURT.—

(1) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to civil rights cold cases that is held under seal of court.

(2) GRAND JURY MATERIALS.—

(A) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to civil rights cold cases that is held under the injunction of secrecy of a grand jury.

(B) PARTICULARIZED NEED.—A request for disclosure of civil rights cold case records under this Act shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

(3) DEADLINE.—

(A) IN GENERAL.—The Attorney General shall respond to any request that is subject to this subsection within 45 days.

(B) NONDISCLOSURE OF GRAND JURY INFORMATION.—If the Attorney General determines that information relevant to a civil rights cold case that is held under the injunction of secrecy of a grand jury should not be made public, the Attorney General shall set forth in the response to the request the reasons for the determination.

(b) COOPERATION WITH AGENCIES.—It is the sense of Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under the seal by a court or under the injunction of secrecy of a grand jury; and

(2) all departments and agencies of the United States Government should cooperate in full with the Review Board to seek the disclosure of all information relevant to civil rights cold cases consistent with the public interest.

SEC. 9. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—

(1) IN GENERAL.—Subject to paragraph (2), when this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code of 1986), judicial decisions construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(2) PERSONNEL AND MEDICAL FILES.—This Act shall not require the public disclosure of information that is exempt from disclosure under section 552(b)(6) of title 5, United States Code.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to eliminate or limit any right to file any requests with any executive agency or seek judicial review of the decisions under section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

(d) EXISTING AUTHORITY.—Nothing in this Act revokes or limits the existing authority of the President, any executive agency, the Senate, the House of Representatives, or any other entity of the Government to publicly disclose records in its possession.

SEC. 10. FUNDING.

Until such time as funds are appropriated to carry out this Act, the President shall use such sums as are available for discretionary use to carry out this Act.

SA 4154. Mr. CRAPO (for Mr. SCHATZ (for himself, Mr. THUNE, and Mr. WICKER)) proposed an amendment to the bill S. 3238, to improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reliable Emergency Alert Distribution Improvement Act of 2018'' or ''READI Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''Commission'' means the Federal Communications Commission;

(3) the term ''Emergency Alert System'' means the national public warning system, the rules for which are set forth in part 11 of title 47, Code of Federal Regulations (or any successor regulation); and

(4) the term ''Wireless Emergency Alert System'' means the wireless national public warning system established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.), the rules for which are set forth in part 10 of title 47, Code of Federal Regulations (or any successor regulation).

SEC. 3. WIRELESS EMERGENCY ALERT SYSTEM OFFERINGS.

(a) AMENDMENT.—Section 602(b)(2)(E) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(E)) is amended—

(1) by striking the second and third sentences; and

(2) by striking ''other than an alert issued by the President.'' and inserting the following: ''other than an alert issued by—

''(A) the President; or

''(B) the Administrator of the Federal Emergency Management Agency.''.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by subsection (a)(2).

SEC. 4. STATE EMERGENCY ALERT SYSTEM PLANS AND EMERGENCY COMMUNICATIONS COMMITTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''SECC'' means a State Emergency Communications Committee;

(2) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and

(3) the term ''State EAS Plan'' means a State Emergency Alert System Plan.

(b) STATE EMERGENCY COMMUNICATIONS COMMITTEE.—Not later than 180 days after the date of enactment of this Act, the Commission shall adopt regulations that—

(1) encourage the chief executive of each State—

(A) to establish an SECC if the State does not have an SECC; or

(B) if the State has an SECC, to review the composition and governance of the SECC;

(2) provide that—

(A) each SECC, not less frequently than annually, shall—

(i) meet to review and update its State EAS Plan;

(ii) certify to the Commission that the SECC has met as required under clause (i); and

(iii) submit to the Commission an updated State EAS Plan; and

(B) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under subparagraph (A)(iii), the Commission shall—

(i) approve or disapprove the updated State EAS Plan; and

(ii) notify the chief executive of the State of the Commission's findings; and

(3) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under paragraph (2)(A).

(c) CONSULTATION.—The Commission shall consult with the Administrator regarding the adoption of regulations under subsection (b)(3).

SEC. 5. EMERGENCY ALERT BEST PRACTICES.

(a) GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop and issue guidance for State, Tribal, and local governments regarding policies and procedures relating to emergency alerts.

(2) CONTENTS.—The guidance developed under paragraph (1) shall include best practices and recommendations for—

(A) the processes and procedures that a State, Tribal, or local government official should use to issue an alert that will use the Emergency Alert System or Wireless Emergency Alert System, including information about the technology used to issue such an alert;

(B) steps that a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the Emergency Alert System and related emergency alerting systems;

(C) the process that a State, Tribal, or local government official should adopt to retract a false alert in the case of the issuance of such an alert;

(D) the annual training of State, Tribal, and local alert origination staff related to the—

(i) issuance of alerts;

(ii) avoidance of false alerts; and

(iii) retracting of false alerts; and

(E) a plan by which participants in the Emergency Alert System and the Wireless Emergency Alert System and other relevant State, Tribal, and local government officials may, during an emergency, contact each other, as well as Federal officials, when appropriate and necessary, by telephone, text message, or other means of communication, regarding an alert that has been distributed to the public.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to amend, supplement, or abridge the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or in any other manner give the Administrator authority over communications service providers participating in the Emergency Alert System or the Wireless Emergency Alert System.

SEC. 6. FALSE ALERT REPORTING.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to establish a system to receive from the Administrator or State, Tribal, or local governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alert System for the purpose of recording such false alerts and examining their causes.

SEC. 7. REPEATING EMERGENCY ALERT SYSTEM MESSAGES FOR NATIONAL SECURITY.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to provide for repeating Emergency Alert System messages while an alert remains pending that is issued by—

(1) the President;

(2) the Administrator; or

(3) any other entity under specified circumstances as determined by the Commission, in consultation with the Administrator.

SEC. 8. INTERNET AND ONLINE STREAMING SERVICES EMERGENCY ALERT EXAMINATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, and after providing public notice and opportunity for comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services.

(b) REPORT.—Not later than 90 days after completing the inquiry under subsection (a), the Commission shall submit a report on the findings and conclusions of the inquiry to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to the provisions of section 1501 of Public Law 115–254, on behalf of the Majority Leader of the Senate and the Chairman of the Senate Committee on Armed Services, appoints the following individual as a member of the Syria Study Group: Lieutenant General Charles T. Cleveland (US Army, retired), of Virginia.

COMMERCIAL ENGAGEMENT THROUGH OCEAN TECHNOLOGY ACT OF 2018

Mr. CRAPO. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 2511.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2511) entitled ''An Act to require the Under Secretary of Commerce for Oceans and Atmosphere to carry out a program on coordinating the assessment and acquisition by the National Oceanic and Atmospheric Administration of unmanned maritime systems, to make available to the public data collected by the Administration using such systems, and for other purposes.'', do pass with an amendment.

MOTION TO CONCUR

Mr. CRAPO. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS COLD CASE RECORDS COLLECTION ACT OF 2018

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 727, S. 3191.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3191) to provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil Rights Cold Case Records Collection Act of 2018''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ARCHIVIST.—The term ''Archivist'' means the Archivist of the United States.

(2) CIVIL RIGHTS COLD CASE.—The term ''civil rights cold case'' means any unsolved case—

(A) arising out of events which occurred during the period beginning on January 1, 1940 and ending on December 31, 1979; and

(B) related to—

(i) section 241 of title 18, United States Code (relating to conspiracy against rights);

(ii) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(iii) section 245 of title 18, United States Code (relating to federally protected activities);

(iv) sections 1581 and 1584 of title 18, United States Code (relating to peonage and involuntary servitude);

(v) section 901 of the Fair Housing Act (42 U.S.C. 3631); or

(vi) any other Federal law that was—

(I) in effect on or before December 31, 1979; and

(II) enforced by the criminal section of the Civil Rights Division of the Department of Justice before the date of enactment of this Act.

(3) CIVIL RIGHTS COLD CASE RECORD.—The term ''civil rights cold case record'' means a record that—

(A) is related to a civil rights cold case; and

(B) was created or made available for use by, obtained by, or otherwise came into the possession of—

(i) the Library of Congress;

(ii) the National Archives;

(iii) any executive agency;

(iv) any independent agency;

(v) any other entity of the Federal Government; or

(vi) any State or local government, or component thereof, that provided support or assistance or performed work in connection with a Federal inquiry into a civil rights cold case.

(4) COLLECTION.—The term ''Collection'' means the Civil Rights Cold Case Records Collection established under section 3.

(5) EXECUTIVE AGENCY.—The term ''executive agency'' means an agency, as defined in section 552(f) of title 5, United States Code.

(6) GOVERNMENT OFFICE.—The term ''Government office'' means any office of the Federal Government that has possession or control of 1 or more civil rights cold case records.

(7) GOVERNMENT OFFICIAL.—The term ''Government official'' means any officer or employee of the United States, including elected and appointed officials.

(8) NATIONAL ARCHIVES.—The term ''National Archives'' means the National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(9) OFFICIAL INVESTIGATION.—The term ''official investigation'' means the review of a civil rights cold case conducted by any entity of the Federal Government either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(10) ORIGINATING BODY.—The term ''originating body'' means the executive agency, Government commission, congressional committee, or other Governmental entity that created a record or particular information within a record.

(11) PUBLIC INTEREST.—The term ''public interest'' means the compelling interest in the prompt public disclosure of civil rights cold case records for historical and Governmental purposes and for the purpose of fully informing the people of the United States about the history