

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9348

To amend the Second Chance Act of 2007 to require identification for returning citizens, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2022

Mrs. WATSON COLEMAN (for herself and Mr. MFUME) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Second Chance Act of 2007 to require identification for returning citizens, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “New Pathways Act”.

5 **SEC. 2. IDENTIFICATION FOR RETURNING CITIZENS.**

6 Section 231(b) of the Second Chance Act of 2007 (34  
7 U.S.C. 60541(b)) is amended to read as follows:

8 “(b) IDENTIFICATION AND RELEASE ASSISTANCE  
9 FOR FEDERAL PRISONERS.—

10 “(1) DEFINITIONS.—In this subsection—

1           “(A) the term ‘community confinement’  
2 means residence in a community treatment cen-  
3 ter, halfway house, restitution center, mental  
4 health facility, alcohol or drug rehabilitation  
5 center, or other community facility;

6           “(B) the term ‘direct-release prisoner’  
7 means a prisoner who is scheduled for release  
8 and will not be placed in prerelease custody;

9           “(C) the term ‘noncitizen covered indi-  
10 vidual’—

11           “(i) means an individual in the cus-  
12 tody of the Bureau of Prisons or sentenced  
13 to a term in community confinement  
14 who—

15           “(I) is lawfully present and eligi-  
16 ble for employment authorization in  
17 the United States; and

18           “(II) has a document dem-  
19 onstrating that the individual will  
20 have a place of residence upon release;  
21 and

22           “(ii) includes an alien lawfully admit-  
23 ted for permanent residence (as defined in  
24 section 101(a) of the Immigration and Na-  
25 tionality Act (8 U.S.C. 1101(a))), a ref-

1           ugee (as defined in that section of that  
2           Act), and an asylee; and

3           “(D) the term ‘United States citizen cov-  
4           ered individual’ means an individual in the cus-  
5           tody of the Bureau of Prisons or sentenced to  
6           a term in community confinement who has—

7                   “(i) a social security card;

8                   “(ii) a document described in para-  
9                   graph (2)(B)(ii) as proof of United States  
10                  citizenship; and

11                  “(iii) a document demonstrating that  
12                  the individual will have a place of residence  
13                  upon release.

14           “(2) OBTAINING IDENTIFICATION FOR UNITED  
15           STATES CITIZENS.—

16                   “(A) IN GENERAL.—With respect to a  
17                   United States citizen covered individual, the Di-  
18                   rector shall provide a photo identification card,  
19                   which shall comply with the minimum require-  
20                   ments described in section 202(b) of the REAL  
21                   ID Act of 2005 (49 U.S.C. 30301 note), prior  
22                   to—

23                   “(i) the release of the United States  
24                   citizen covered individual from a term of  
25                   imprisonment in a Federal prison; or

1           “(ii) the release of the United States  
2           citizen covered individual from a sentence  
3           to a term in community confinement.

4           “(B) ASSISTANCE IN OBTAINING DOCU-  
5           MENTS.—

6           “(i) IN GENERAL.—Subject to clause  
7           (iii), for the purpose of issuing an identi-  
8           fication card under this subsection, the Di-  
9           rector shall obtain, on behalf of United  
10          States citizen covered individuals—

11                   “(I) a social security card; and

12                   “(II) a document described in  
13                   clause (ii) as proof of United States  
14                   citizenship.

15          “(ii) PROOF OF UNITED STATES CITI-  
16          ZENSHIP.—A document described in this  
17          clause is—

18                   “(I) a United States passport;

19                   “(II) an original or certified copy  
20                   of a birth certificate that indicates  
21                   that the individual was born in the  
22                   United States or a territory of the  
23                   United States;

24                   “(III) in the case of a United  
25                   States citizen born inside the United

1 States for whom a document de-  
2 scribed in subclause (I) or (II) is not  
3 available, any document described in  
4 subsection (a), (b), or (c) of section  
5 435.407 of title 42, Code of Federal  
6 Regulations, or any successor thereto;  
7 or

8 “(IV) in the case of a United  
9 States citizen born outside the United  
10 States, an original or certified copy  
11 of—

12 “(aa) a certificate of natu-  
13 ralization (Form N-550 or N-  
14 570);

15 “(bb) a consular report of  
16 birth abroad (Form FS-240);

17 “(cc) a certification of birth  
18 abroad (Form FS-545);

19 “(dd) a certification of re-  
20 port of birth (Form DS-1350);

21 or

22 “(ee) a certificate of citizen-  
23 ship (Form N-560).

24 “(iii) EXCEPTIONS.—

1           “(I) LACK OF RESPONSE FROM  
2           FEDERAL OR STATE AGENCY.—If the  
3           Director cannot obtain a copy of a  
4           document required under clause (i)  
5           because of inaction by the Federal or  
6           State agency from which the docu-  
7           ment was requested, the Director  
8           shall provide to the United States cit-  
9           izen covered individual—

10                   “(aa) a written statement  
11                   that explains what steps the Di-  
12                   rector took in trying to obtain  
13                   the document; and

14                   “(bb) any documents trans-  
15                   mitted to the Director by the  
16                   Federal or State agency in re-  
17                   sponse to the request for the docu-  
18                   ment.

19           “(II) LACK OF AUTHORIZATION  
20           FROM UNITED STATES CITIZEN COV-  
21           ERED INDIVIDUAL.—If the Director  
22           cannot obtain a copy of a document  
23           required under clause (i) because the  
24           United States citizen covered indi-  
25           vidual does not provide the authoriza-

1                   tion required to obtain the document,  
2                   the Director shall provide a written  
3                   statement to the United States citizen  
4                   covered individual that explains why  
5                   the document was not obtained.

6                   “(C) PROVISION OF DOCUMENTS.—Upon  
7                   issuance of an identification card to a covered  
8                   individual under this paragraph, the Director  
9                   shall provide all documents obtained for the  
10                  United States citizen covered individual under  
11                  subparagraph (B).

12                  “(3) OBTAINING DOCUMENTS FOR NONCITI-  
13                  ZENS.—

14                  “(A) IN GENERAL.—With respect to a non-  
15                  citizen covered individual, the Director shall as-  
16                  sist in obtaining from the Director of the U.S.  
17                  Citizenship and Immigration Services—

18                         “(i) proof of lawful status in the  
19                         United States of the noncitizen covered in-  
20                         dividual; and

21                         “(ii) in the case of a noncitizen cov-  
22                         ered individual who is not admitted for  
23                         lawful permanent residence, an employ-  
24                         ment authorization document.

1           “(B) ASSISTANCE.—The assistance pro-  
2           vided by the Director under subparagraph (A)  
3           shall include—

4                   “(i) providing the noncitizen covered  
5                   individual with applicable U.S. Citizenship  
6                   and Immigration Services forms and in-  
7                   structions; and

8                   “(ii) assisting the noncitizen covered  
9                   individual in completing and submitting  
10                  such forms, together with any required  
11                  supporting documentation.

12           “(C) PROVISION OF DOCUMENTS.—Upon  
13           receipt of a document for a noncitizen covered  
14           individual under this paragraph, the Director  
15           shall provide such document to the noncitizen  
16           covered individual.

17           “(4) ASSISTANCE DEVELOPING RELEASE  
18           PLAN.—At the request of a direct-release prisoner, a  
19           representative of the United States Probation Sys-  
20           tem shall, prior to the release of that prisoner, help  
21           that prisoner develop a release plan.”.

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