

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 1917

To reform sentencing laws and correctional institutions, and
for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title; table of contents.

TITLE I—CORRECTIONS ACT

Sec. 101. Recidivism reduction programming and productive activities.

Sec. 102. Post-sentencing risk and needs assessment system.

Sec. 103. Prerelease custody.

- Sec. 104. Reports.
- Sec. 105. Additional tools to promote recovery and prevent drug and alcohol abuse and dependence.
- Sec. 106. Promoting successful reentry.
- Sec. 107. Parole for juveniles.
- Sec. 108. Compassionate release initiative.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Secure firearms storage.

TITLE III—NATIONAL CRIMINAL JUSTICE COMMISSION

- Sec. 301. Short title.
- Sec. 302. Findings.
- Sec. 303. Establishment of commission.
- Sec. 304. Purpose of the commission.
- Sec. 305. Review, recommendations, and report.
- Sec. 306. Membership.
- Sec. 307. Administration.
- Sec. 308. Authorization for use of funds.
- Sec. 309. Sunset.

1 **TITLE I—CORRECTIONS ACT**

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

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

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

13 (2) conduct a survey to identify products, in-
 14 cluding products purchased by Federal agencies,

1 that are currently manufactured overseas and could
2 be manufactured by prisoners participating in a
3 prison work program without reducing job opportu-
4 nities for other workers in the United States; and

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

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

17 “(h) RECIDIVISM REDUCTION PROGRAMMING AND
18 PRODUCTIVE ACTIVITIES.—

19 “(1) IN GENERAL.—The Director of the Bureau
20 of Prisons, shall, subject to the availability of appro-
21 priations, make available to all eligible prisoners ap-
22 propriate recidivism reduction programming or pro-
23 ductive activities, including prison jobs, in accord-
24 ance with paragraph (2).

25 “(2) EXPANSION PERIOD.—

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

8 “(B) CERTIFICATION.—

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

18 “(ii) CONSIDERATIONS.—In deter-
19 mining whether or not to issue a certifi-
20 cation under clause (i), the National Insti-
21 tute of Corrections shall consult with inter-
22 nal or external program evaluation experts,
23 including the Office of Management and
24 Budget and the Comptroller General of the
25 United States to identify appropriate eval-

1 uation methodologies for each type of pro-
2 gram offered, and may use analyses of
3 similar programs conducted in other cor-
4 rectional settings.

5 “(3) RECIDIVISM REDUCTION PARTNERSHIPS.—

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

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

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

1 “(C) Nonprofit or other private organiza-
2 tions, including faith-based and community-
3 based organizations, that will—

4 “(i) deliver occupational and voca-
5 tional training and certifications in Bureau
6 of Prisons facilities;

7 “(ii) provide equipment to facilitate
8 occupational and vocational training or em-
9 ployment opportunities for prisoners;

10 “(iii) employ prisoners; or

11 “(iv) assist prisoners in prerelease
12 custody or supervised release in finding
13 employment.

14 “(D) Industry-sponsored organizations
15 that deliver workforce development and training
16 that lead to recognized certification and employ-
17 ment.

18 “(4) ASSIGNMENTS.—In assigning prisoners to
19 recidivism reduction programming and productive
20 activities, the Director of the Bureau of Prisons
21 shall use the Post-Sentencing Risk and Needs As-
22 sessment System described in section 3621A and
23 shall ensure that—

24 “(A) to the extent practicable, prisoners
25 are separated from prisoners of other risk clas-

1 sifications in accordance with best practices for
2 effective recidivism reduction;

3 “(B) a prisoner who has been classified as
4 low risk and without need for recidivism reduc-
5 tion programming shall participate in and suc-
6 cessfully complete productive activities, includ-
7 ing prison jobs, in order to maintain a low-risk
8 classification;

9 “(C) a prisoner who has successfully com-
10 pleted all recidivism reduction programming to
11 which the prisoner was assigned shall partici-
12 pate in productive activities, including a prison
13 job; and

14 “(D) to the extent practicable, each eligible
15 prisoner shall participate in and successfully
16 complete recidivism reduction programming or
17 productive activities, including prison jobs,
18 throughout the entire term of incarceration of
19 the prisoner.

20 “(5) MENTORING SERVICES.—Any person who
21 provided mentoring services to a prisoner while the
22 prisoner was in a penal or correctional facility of the
23 Bureau of Prisons shall be permitted to continue
24 such services after the prisoner has been transferred
25 into prerelease custody, unless the person in charge

1 of the penal or correctional facility of the Bureau of
2 Prisons demonstrates, in a written document sub-
3 mitted to the person, that such services would be a
4 significant security risk to the prisoner, persons who
5 provide such services, or any other person.

6 “(6) RECIDIVISM REDUCTION PROGRAM INCEN-
7 TIVES AND REWARDS.—Prisoners who have success-
8 fully completed recidivism reduction programs and
9 productive activities shall be eligible for the fol-
10 lowing:

11 “(A) TIME CREDITS.—

12 “(i) IN GENERAL.—Subject to clauses
13 (ii) and (iii), a prisoner who has success-
14 fully completed a recidivism reduction pro-
15 gram or productive activity that has been
16 certified under paragraph (2)(B) shall re-
17 ceive time credits of 5 days for each period
18 of 30 days of successful completion of such
19 program or activity. A prisoner who is
20 classified as low risk shall receive addi-
21 tional time credits of 5 days for each pe-
22 riod of 30 days of successful completion of
23 such program or activity.

24 “(ii) AVAILABILITY.—A prisoner may
25 not receive time credits under this sub-

1 paragraph for successfully completing a re-
2 cidivism reduction program or productive
3 activity—

4 “(I) before the date of enactment
5 of this subsection; or

6 “(II) during official detention be-
7 fore the date on which the prisoner’s
8 sentence commences under section
9 3585(a).

10 “(iii) EXCLUSIONS.—No credit shall
11 be awarded under this subparagraph to a
12 prisoner serving a sentence for a second or
13 subsequent conviction for a Federal offense
14 imposed after the date on which the pris-
15 oner’s first such conviction became final,
16 which shall not include any offense under
17 section 1152 or section 1153 for which the
18 prisoner was sentenced to less than 13
19 months. No credit shall be awarded under
20 this subparagraph to a prisoner with 13 or
21 more criminal history points, as deter-
22 mined under the sentencing guidelines, at
23 the time of sentencing, unless the court de-
24 termines in writing at sentencing that the
25 defendant’s criminal history category sub-

1 stantially overrepresents the seriousness of
2 the defendant’s criminal history or the
3 likelihood that the defendant will commit
4 other crimes and exercises its authority to
5 lower the defendant’s criminal history cat-
6 egory. No credit shall be awarded under
7 this subparagraph to any prisoner serving
8 a sentence of imprisonment for conviction
9 for any of the following offenses:

10 “(I) A Federal crime of ter-
11 rorism, as defined in section
12 2332b(g)(5).

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

15 “(III) A Federal sex offense, as
16 described in section 111 of the Sex
17 Offender Registration and Notifica-
18 tion Act (34 U.S.C. 20911).

19 “(IV) Engaging in a continuing
20 criminal enterprise, as defined in sec-
21 tion 408 of the Controlled Substances
22 Act (21 U.S.C. 848).

23 “(V) A Federal crime involving
24 child exploitation, as defined in sec-

11

1 tion 2 of the PROTECT Our Children
2 Act of 2008 (34 U.S.C. 21101).

3 “(VI) A violation of—

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

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

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

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

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

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

21 “(gg) chapter 110 (relating
22 to sexual exploitation and other
23 abuse of children).

24 “(iv) IDENTIFICATION OF COVERED
25 OFFENSES.—Not later than 1 year after

1 the date of enactment of this subsection,
2 the United States Sentencing Commission
3 shall prepare and submit to the Director of
4 the Bureau of Prisons a list of all Federal
5 offenses described in subclauses (I)
6 through (VI) of clause (iii), and shall up-
7 date such list on an annual basis.

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

19 “(C) PENALTIES.—The Bureau of Prisons
20 may reduce rewards a prisoner has previously
21 earned under subparagraph (A) for prisoners
22 who violate the rules of the penal or correc-
23 tional facility in which the prisoner is impris-
24 oned, a recidivism reduction program, or a pro-
25 ductive activity.

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

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

13 “(A) shall be considered to have success-
14 fully completed a recidivism reduction program
15 or productive activity, if the Bureau of Prisons
16 determines that the prisoner—

17 “(i) regularly attended and partici-
18 pated in the recidivism reduction program
19 or productive activity;

20 “(ii) regularly completed assignments
21 or tasks in a manner that allowed the pris-
22 oner to realize the criminogenic benefits of
23 the recidivism reduction program or pro-
24 ductive activity;

1 “(iii) did not regularly engage in dis-
2 ruptive behavior that seriously undermined
3 the administration of the recidivism reduc-
4 tion program or productive activity; and

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

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

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

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

23 “(i) an individual who has been sen-
24 tenced to a term of imprisonment pursuant

1 to a conviction for a Federal criminal of-
2 fense; or

3 “(ii) an individual within the custody
4 of the Bureau of Prisons, including an in-
5 dividual in a Bureau of Prisons contracted
6 facility.

7 “(B) PRODUCTIVE ACTIVITY.—The term
8 ‘productive activity’—

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

16 “(ii) may include the delivery of the
17 activities described in subparagraph
18 (C)(i)(II) to other prisoners.

19 “(C) RECIDIVISM REDUCTION PROGRAM.—
20 The term ‘recidivism reduction program’
21 means—

22 “(i) a group or individual activity
23 that—

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

4 “(II) may include—

5 “(aa) classes on social learn-
6 ing and life skills;

7 “(bb) classes on morals or
8 ethics;

9 “(cc) academic classes;

10 “(dd) cognitive behavioral
11 treatment;

12 “(ee) mentoring;

13 “(ff) occupational and voca-
14 tional training;

15 “(gg) faith-based classes or
16 services;

17 “(hh) domestic violence edu-
18 cation and deterrence program-
19 ming;

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

23 “(jj) industry-sponsored
24 workforce development, edu-
25 cation, or training; and

1 “(kk) a prison job; and

2 “(ii) shall include—

3 “(I) a productive activity; and

4 “(II) recovery programming.

5 “(D) RECOVERY PROGRAMMING.—The
6 term ‘recovery programming’ means a course of
7 instruction or activities, other than a course de-
8 scribed in subsection (e), that has been dem-
9 onstrated to reduce drug or alcohol abuse or de-
10 pendence among participants, or to promote re-
11 covery among individuals who have previously
12 abused alcohol or drugs, to include appropriate
13 medication-assisted treatment.”.

14 (c) NO CONSIDERATION OF EARNED TIME CREDIT
15 ELIGIBILITY DURING SENTENCING.—

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

18 (A) by redesignating subsections (b)
19 through (f) as subsections (e) through (g), re-
20 spectively;

21 (B) in subsection (e)(3), as so redesi-
22 gnated, by striking “subsection (c)” and insert-
23 ing “subsection (d)”; and

24 (C) by inserting after subsection (a) the
25 following:

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

7 (2) TECHNICAL AND CONFORMING AMEND-
8 MENTS.—Section 3742 of title 18, United States
9 Code, is amended—

10 (A) in subsection (e)(3)—

11 (i) in subparagraph (A), by striking
12 “section 3553(c)” and inserting “section
13 3553(d)”;

14 (ii) in subparagraph (B)(ii), by strik-
15 ing “section 3553(b)” and inserting “sec-
16 tion 3553(c)”;

17 (iii) in subparagraph (C), by striking
18 “section 3553(c)” and inserting “section
19 3553(d)”;

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

23 (C) in subsection (j)(1)(B), by striking
24 “section 3553(b)” and inserting “section
25 3553(c)”.

1 **SEC. 102. POST-SENTENCING RISK AND NEEDS ASSESS-**
2 **MENT SYSTEM.**

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

6 **“§ 3621A. Post-sentencing risk and needs assessment**
7 **system**

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

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

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

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

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

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

6 “(6) provide information on best practices con-
7 cerning the tailoring of recidivism reduction pro-
8 grams to the specific criminogenic needs of each
9 prisoner so as to effectively lower the prisoner’s risk
10 of recidivating.

11 “(b) DEVELOPMENT OF SYSTEM.—

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

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

17 “(B) ensure that the Assessment System
18 measures indicators of progress and improve-
19 ment, and of regression, including newly ac-
20 quired skills, attitude, and behavior changes
21 over time, through meaningful consideration of
22 dynamic risk factors, such that—

23 “(i) all prisoners at each risk level
24 other than low risk have a meaningful op-
25 portunity to progress to a lower risk classi-

1 fication during the period of the incarceration
2 ation of the prisoner through changes in
3 dynamic risk factors; and

4 “(ii) all prisoners on prerelease cus-
5 tody, other than prisoners classified as low
6 risk, have a meaningful opportunity to
7 progress to a lower risk classification dur-
8 ing such custody through changes in dy-
9 namic risk factors;

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

15 “(D) ensure that the Assessment System
16 does not result in unwarranted disparities, in-
17 cluding by—

18 “(i) regularly evaluating rates of re-
19 cidivism among similarly classified pris-
20 oners to identify any unwarranted dispari-
21 ties in such rates, including disparities
22 among similarly classified prisoners of dif-
23 ferent racial groups; and

1 “(ii) adjusting the Assessment System
2 to reduce such disparities to the greatest
3 extent possible.

4 “(2) RISK AND NEEDS ASSESSMENT TOOLS.—
5 In carrying out this subsection, the Attorney Gen-
6 eral shall—

7 “(A) develop a suitable intake assessment
8 tool to perform the initial assessments and de-
9 terminations described in subsection (a)(1), and
10 to make the assignments described in para-
11 graphs (3) and (4) of subsection (a);

12 “(B) develop a suitable reassessment tool
13 to perform the reassessments and updates de-
14 scribed in subsection (a)(5); and

15 “(C) develop a suitable tool to assess the
16 recidivism risk level of prisoners in prerelease
17 custody.

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

23 “(4) USE OF PRESENTENCE REPORT.—In car-
24 rying out this subsection, the Attorney General shall
25 coordinate with the United States Probation and

1 Pretrial Services to ensure that the findings of the
2 Presentence Report of each offender are available
3 and considered in the Assessment System.

4 “(5) VALIDATION.—In carrying out this sub-
5 section, the Attorney General shall statistically vali-
6 date the risk and needs assessment tools on the Fed-
7 eral prison population, or ensure that the tools have
8 been so validated. To the extent such validation can-
9 not be completed with the time period specified in
10 subsection (a), the Attorney General shall ensure
11 that such validation is completed as soon as is prac-
12 ticable.

13 “(6) RELATIONSHIP WITH EXISTING CLASSI-
14 FICATION SYSTEMS.—The Bureau of Prisons may
15 incorporate its existing Inmate Classification System
16 into the Assessment System if the Assessment Sys-
17 tem assesses the risk level and criminogenic needs of
18 each prisoner and determines the appropriate secu-
19 rity level institution for each prisoner. Before the de-
20 velopment of the Assessment System, the Bureau of
21 Prisons may use the existing Inmate Classification
22 System, or a pre-existing risk and needs assessment
23 tool that can be used to classify prisoners consistent
24 with subsection (a)(1), or can be reasonably adapted

1 for such purpose, for purposes of this section, sec-
2 tion 3621(h), and section 3624(c).

3 “(c) RISK ASSESSMENT.—

4 “(1) INITIAL ASSESSMENTS.—Not later than 12
5 months after the date on which the Attorney Gen-
6 eral develops the Assessment System, the Bureau of
7 Prisons shall determine the risk level and
8 criminogenic needs of each prisoner using the As-
9 sessment System.

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

13 “(A) not less frequently than once each
14 year for any prisoner whose anticipated release
15 date is within 3 years;

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

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

21 “(d) ASSIGNMENT OF RECIDIVISM REDUCTION PRO-
22 GRAMS OR PRODUCTIVE ACTIVITIES.—The Assessment
23 System shall provide guidance on the kind and amount
24 of recidivism reduction programming or productive activi-
25 ties appropriate for each prisoner.

1 “(e) BUREAU OF PRISONS TRAINING.—The Attorney
2 General shall develop training protocols and programs for
3 Bureau of Prisons officials and employees responsible for
4 administering the Assessment System. Such training pro-
5 tocols shall include a requirement that personnel of the
6 Bureau of Prisons demonstrate competence in using the
7 methodology and procedure developed under this section
8 on a regular basis.

9 “(f) INFORMATION FROM PRESENTENCE REPORT.—
10 The Attorney General shall ensure that the Bureau of
11 Prisons uses relevant information from the Presentence
12 Report of each offenders when conducting an assessment
13 under this section.

14 “(g) QUALITY ASSURANCE.—In order to ensure that
15 the Bureau of Prisons is using the Assessment System in
16 an appropriate and consistent manner, the Attorney Gen-
17 eral shall monitor and assess the use of the Assessment
18 System and shall conduct periodic audits of the use of the
19 Assessment System at facilities of the Bureau of Prisons.

20 “(h) DETERMINATIONS AND CLASSIFICATIONS
21 UNREVIEWABLE.—Subject to any constitutional limita-
22 tions, there shall be no right of review, right of appeal,
23 cognizable property interest, or cause of action, either ad-
24 ministrative or judicial, arising from any determination or
25 classification made by any Federal agency or employee

1 while implementing or administering the Assessment Sys-
2 tem, or any rules or regulations promulgated under this
3 section.

4 “(i) DEFINITIONS.—In this section:

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

12 “(2) RECIDIVISM RISK.—The term ‘recidivism
13 risk’ means the likelihood that a prisoner will com-
14 mit additional crimes for which the prisoner could be
15 prosecuted in a Federal, State, or local court in the
16 United States.

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

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

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

1 **SEC. 103. PRERELEASE CUSTODY.**

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

4 (1) in paragraph (1), by striking the period at
5 the end of the second sentence and inserting “or
6 home confinement, subject to the limitation that no
7 prisoner may serve more than 10 percent of the pris-
8 oner’s imposed sentence in home confinement pursu-
9 ant to this paragraph.”;

10 (2) by striking paragraphs (2) and (3) and in-
11 sserting the following:

12 “(2) CREDIT FOR RECIDIVISM REDUCTION.—
13 Notwithstanding the 10 percent limit described in
14 paragraph (1) and in addition to any time spent in
15 prerelease custody pursuant to paragraph (1), a
16 prisoner shall spend an additional portion of the
17 final months of the prisoner’s sentence, equivalent to
18 the amount of time credit the prisoner has earned
19 pursuant to section 3621(h)(6)(A), in prerelease cus-
20 tody, if—

21 “(A) the prisoner’s most recent risk and
22 needs assessment, conducted within 1 year of
23 the date on which the prisoner would first be el-
24 igible for transfer to prerelease custody pursu-
25 ant to paragraph (1) and this paragraph, re-

1 flects that the prisoner is classified as low or
2 moderate risk; and

3 “(B) for a prisoner classified as moderate
4 risk, the prisoner’s most recent risk and needs
5 assessment reflects that the prisoner’s risk of
6 recidivism has declined during the period of the
7 prisoner’s incarceration.

8 “(3) TYPES OF PRERELEASE CUSTODY.—A
9 prisoner eligible to serve a portion of the prisoner’s
10 sentence in prerelease custody pursuant to para-
11 graph (2) may serve such portion in a residential re-
12 entry center, on home confinement, or, subject to
13 paragraph (5), on community supervision, in accord-
14 ance with the following guidelines:

15 “(A) Lower-risk, lower-need prisoners shall
16 be placed directly into home confinement or
17 community supervision.

18 “(B) Residential reentry center placements
19 shall be reserved for the higher-risk, higher-
20 need prisoners.”;

21 (3) by redesignating paragraphs (4) through
22 (6) as paragraphs (9) through (11), respectively;

23 (4) by inserting the following after paragraph
24 (3):

25 “(4) HOME CONFINEMENT.—

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

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

7 “(ii) remain in the prisoner’s resi-
8 dence, with the exception of the following
9 activities, subject to approval by the Direc-
10 tor of the Bureau of Prisons—

11 “(I) participation in a job, job-
12 seeking activities, or job-related activi-
13 ties, including an apprenticeship;

14 “(II) participation in recidivism
15 reduction programming or productive
16 activities assigned by the Post-Sen-
17 tencing Risk and Needs Assessment
18 System, or similar activities approved
19 in advance by the Director of the Bu-
20 reau of Prisons;

21 “(III) participation in community
22 service;

23 “(IV) crime victim restoration ac-
24 tivities;

25 “(V) medical treatment; or

1 “(VI) religious activities; and

2 “(iii) comply with such other condi-
3 tions as the Director of the Bureau of
4 Prisons deems appropriate.

5 “(B) ALTERNATIVE MEANS OF MONI-
6 TORING.—If compliance with subparagraph
7 (A)(i) is infeasible due to technical limitations
8 or religious considerations, the Director of the
9 Bureau of Prisons may employ alternative
10 means of monitoring that are determined to be
11 as effective or more effective than electronic
12 monitoring.

13 “(C) MODIFICATIONS.—The Director of
14 the Bureau of Prisons may modify the condi-
15 tions of the prisoner’s home confinement for
16 compelling reasons, if the prisoner’s record
17 demonstrates exemplary compliance with such
18 conditions.

19 “(5) COMMUNITY SUPERVISION.—

20 “(A) TIME CREDIT LESS THAN 36
21 MONTHS.—Any prisoner described in subpara-
22 graph (D) who has earned time credit of less
23 than 36 months pursuant to section
24 3621(h)(6)(A) shall be eligible to serve no more
25 than one-half of the amount of such credit on

1 community supervision, if the prisoner satisfies
2 the conditions set forth in subparagraph (C).

3 “(B) TIME CREDIT OF 36 MONTHS OR
4 MORE.—Any prisoner described in subpara-
5 graph (D) who has earned time credit of 36
6 months or more pursuant to section
7 3621(h)(6)(A) shall be eligible to serve the
8 amount of such credit exceeding 18 months on
9 community supervision, if the prisoner satisfies
10 the conditions set forth in subparagraph (C).

11 “(C) CONDITIONS OF COMMUNITY SUPER-
12 VISION.—A prisoner placed on community su-
13 pervision shall be subject to such conditions as
14 the Director of the Bureau of Prisons deems
15 appropriate. A prisoner on community super-
16 vision may remain on community supervision
17 until the conclusion of the prisoner’s sentence
18 of incarceration if the prisoner—

19 “(i) complies with all conditions of
20 prerelease custody;

21 “(ii) remains current on any financial
22 obligations imposed as part of the pris-
23 oner’s sentence, including payments of
24 court-ordered restitution arising from the
25 offense of conviction; and

1 “(iii) refrains from committing any
2 State, local, or Federal offense.

3 “(D) COVERED PRISONERS.—A prisoner
4 described in this subparagraph is a prisoner
5 who—

6 “(i) is classified as low risk by the
7 Post-Sentencing Risk and Needs Assess-
8 ment System in the assessment conducted
9 for purposes of paragraph (2); or

10 “(ii) is subsequently classified as low
11 risk by the Post-Sentencing Risk and
12 Needs Assessment System.

13 “(6) VIOLATIONS.—If a prisoner violates a con-
14 dition of the prisoner’s prerelease custody, the Di-
15 rector of the Bureau of Prisons may revoke the pris-
16 oner’s prerelease custody and require the prisoner to
17 serve the remainder of the prisoner’s term of incar-
18 ceration, or any portion thereof, in prison, or impose
19 additional conditions on the prisoner’s prerelease
20 custody as the Director of the Bureau of Prisons
21 deems appropriate. If the violation is nontechnical in
22 nature, the Director of the Bureau of Prisons shall
23 revoke the prisoner’s prerelease custody.

24 “(7) CREDIT FOR PRERELEASE CUSTODY.—
25 Upon completion of a prisoner’s sentence, any term

1 of supervised release imposed on the prisoner shall
2 be reduced by the amount of time the prisoner
3 served in prerelease custody pursuant to paragraph
4 (2).

5 “(8) AGREEMENTS WITH UNITED STATES PRO-
6 BATION AND PRETRIAL SERVICES.—The Director of
7 the Bureau of Prisons shall, to the greatest extent
8 practicable, enter into agreements with the United
9 States Probation and Pretrial Services to supervise
10 prisoners placed in home confinement or community
11 supervision under this subsection. Such agreements
12 shall authorize United States Probation and Pretrial
13 Services to exercise the authority granted to the Di-
14 rector of the Bureau of Prisons pursuant to para-
15 graphs (4), (5), and (12). Such agreements shall
16 take into account the resource requirements of
17 United States Probation and Pretrial Services as a
18 result of the transfer of Bureau of Prisons inmates
19 to prerelease custody and shall provide for the trans-
20 fer of monetary sums necessary to comply with such
21 requirements. United States Probation and Pretrial
22 Services shall, to the greatest extent practicable,
23 offer assistance to any prisoner not under its super-
24 vision during prerelease custody under this sub-
25 section.”; and

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

2 “(12) DETERMINATION OF APPROPRIATE CON-
3 DITIONS FOR PRERELEASE CUSTODY.—In deter-
4 mining appropriate conditions for prerelease custody
5 pursuant to this subsection, and in accordance with
6 paragraph (5), the Director of the Bureau of Pris-
7 ons shall, to the extent practicable, subject prisoners
8 who demonstrate continued compliance with the re-
9 quirements of such prerelease custody to increas-
10 ingly less restrictive conditions, so as to most effec-
11 tively prepare such prisoners for reentry. No pris-
12 oner shall be transferred to community supervision
13 unless the length of the prisoner’s eligibility for com-
14 munity supervision pursuant to paragraph (5) is
15 equivalent to or greater than the length of the pris-
16 oner’s remaining period of prerelease custody.

17 “(13) ALIENS SUBJECT TO DEPORTATION.—If
18 the prisoner is an alien whose deportation was or-
19 dered as a condition of supervised release or who is
20 subject to a detainer filed by Immigration and Cus-
21 toms Enforcement for the purposes of determining
22 the alien’s deportability, the Director of the Bureau
23 of Prisons shall, upon the prisoner’s transfer to
24 prerelease custody pursuant to paragraphs (1) and
25 (2), deliver the prisoner to United States Immigra-

1 tion and Customs Enforcement for the purpose of
2 conducting proceedings relating to the alien's depor-
3 tation.

4 “(14) NOTICE OF TRANSFER TO PRERELEASE
5 CUSTODY.—

6 “(A) IN GENERAL.—The Director of the
7 Bureau of Prisons may not transfer a prisoner
8 to prerelease custody pursuant to paragraph (2)
9 if the prisoner has been sentenced to a term of
10 incarceration of more than 3 years, unless the
11 Director of the Bureau of Prisons provides
12 prior notice to the sentencing court and the
13 United States Attorney's Office for the district
14 in which the prisoner was sentenced.

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

19 “(C) CONTENTS OF NOTICE.—The notice
20 required under subparagraph (A) shall include
21 the following information:

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

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

1 “(iii) The nature of the prisoner’s
2 planned prerelease custody.

3 “(iv) The prisoner’s behavioral record.

4 “(v) The most recent risk assessment
5 of the prisoner.

6 “(D) HEARING.—

7 “(i) IN GENERAL.—On motion of the
8 Government, the sentencing court may
9 conduct a hearing on the prisoner’s trans-
10 fer to prerelease custody.

11 “(ii) PRISONER’S PRESENCE.—The
12 prisoner shall have the right to be present
13 at a hearing described in clause (i), unless
14 the prisoner waives such right. The re-
15 quirement under this clause may be satis-
16 fied by the defendant appearing by video
17 teleconference.

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

20 “(I) shall set forth the basis for
21 the Government’s request that the
22 prisoner’s transfer be denied or modi-
23 fied pursuant to subparagraph (E)
24 and include input from local law en-
25 forcement authorities regarding prior

1 conduct or any other relevant infor-
2 mation; and

3 “(II) shall not require the Court
4 to conduct a hearing described in
5 clause (i).

6 “(iv) JUSTICE DEPARTMENT REVIEW
7 OF TRANSFERS TO PRERELEASE CUS-
8 TODY.—If the Department of Justice does
9 not seek a hearing under this subpara-
10 graph to deny or modify a prisoner’s trans-
11 fer to prerelease custody, the Department
12 of Justice prior to such transfer shall
13 make a determination to that effect in
14 writing, including the reasons for that de-
15 termination.

16 “(E) DETERMINATION OF THE COURT.—
17 The court may deny the transfer of the prisoner
18 to prerelease custody or modify the terms of
19 such transfer, if, after conducting a hearing
20 pursuant to subparagraph (D), the court finds
21 in writing, by a preponderance of the evidence,
22 that the transfer of the prisoner is inconsistent
23 with the factors specified in paragraphs (2),
24 (6), and (7) of section 3553(a).”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 1 year after the date of enact-
3 ment of this Act.

4 **SEC. 104. REPORTS.**

5 (a) ANNUAL REPORTS.—

6 (1) REPORTS.—Not later than 1 year after the
7 date of enactment of this Act, and every year there-
8 after, the Attorney General, in coordination with the
9 Comptroller General of the United States, shall sub-
10 mit to the appropriate committees of Congress a re-
11 port that contains the following:

12 (A) A summary of the activities and ac-
13 complishments of the Attorney General in car-
14 rying out this title and the amendments made
15 by this title.

16 (B) An assessment of the status and use
17 of the Post-Sentencing Risk and Needs Assess-
18 ment System by the Bureau of Prisons, includ-
19 ing the number of prisoners classified at each
20 risk level under the Post-Sentencing Risk and
21 Needs Assessment System at each facility of
22 the Bureau of Prisons.

23 (C) A summary and assessment of the
24 types and effectiveness of the recidivism reduc-
25 tion programs and productive activities in facili-

1 (ii) a summary of the amount of sav-
2 ings resulting from any decrease in recidi-
3 vism that may be attributed to the imple-
4 mentation of the Post-Sentencing Risk and
5 Needs Assessment System or the increase
6 in recidivism reduction programs and pro-
7 ductive activities required by this title and
8 the amendments made by this title;

9 (iii) a strategy to reinvest such sav-
10 ings into other Federal, State, and local
11 law enforcement activities and expansions
12 of recidivism reduction programs and pro-
13 ductive activities in the Bureau of Prisons;
14 and

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

21 (I) increase investment in law en-
22 forcement and crime prevention to
23 combat gangs of national significance
24 and high-level drug traffickers
25 through the High Intensity Drug

1 Trafficking Areas program and other
2 task forces;

3 (II) hire, train, and equip law en-
4 forcement officers and prosecutors;
5 and

6 (III) promote crime reduction
7 programs using evidence-based prac-
8 tices and strategic planning to help
9 reduce crime and criminal recidivism.

10 (2) REINVESTMENT OF SAVINGS TO FUND PUB-
11 LIC SAFETY PROGRAMMING.—

12 (A) IN GENERAL.—Beginning in the first
13 fiscal year after the first report is submitted
14 under paragraph (1), and every fiscal year
15 thereafter, the Attorney General shall—

16 (i) determine the covered amount for
17 the previous fiscal year in accordance with
18 subparagraph (B); and

19 (ii) use an amount of funds appro-
20 priated to the Department of Justice that
21 is not less than 90 percent of the covered
22 amount for the purposes described in sub-
23 paragraph (C).

24 (B) COVERED AMOUNT.—For purposes of
25 this paragraph, the term “covered amount”

1 means, using the most recent report submitted
2 under paragraph (1), the amount equal to the
3 sum of the amount described in paragraph
4 (1)(D)(i) for the fiscal year and the amount de-
5 scribed in paragraph (1)(D)(ii) for the fiscal
6 year.

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

11 (i) Ensure that, not later than 6 years
12 after the date of enactment of this Act, re-
13 cidivism reduction programs or productive
14 activities are available to all eligible pris-
15 oners.

16 (ii) Ensure compliance with the re-
17 source needs of United States Probation
18 and Pretrial Services resulting from an
19 agreement under section 3624(c)(8) of title
20 18, United States Code, as added by this
21 title.

22 (iii) Supplement funding for programs
23 that increase public safety by providing re-
24 sources to State and local law enforcement
25 officials, including for the adoption of in-

1 novative technologies and information
2 sharing capabilities.

3 (b) PRISON WORK PROGRAMS REPORT.—Not later
4 than 180 days after the date of enactment of this Act,
5 the Attorney General shall submit to the appropriate com-
6 mittees of Congress a report on the status of prison work
7 programs at facilities operated by the Bureau of Prisons,
8 including—

9 (1) a strategy to expand the availability of such
10 programs without reducing job opportunities for
11 workers in the United States who are not in the cus-
12 tody of the Bureau of Prisons;

13 (2) an assessment of the feasibility of expand-
14 ing such programs, consistent with the strategy re-
15 quired under paragraph (1), so that, not later than
16 5 years after the date of enactment of this Act, not
17 less than 75 percent of eligible low-risk offenders
18 have the opportunity to participate in a prison work
19 program for not less than 20 hours per week; and

20 (3) a detailed discussion of legal authorities
21 that would be useful or necessary to achieve the
22 goals described in paragraphs (1) and (2).

23 (c) REPORTING ON RECIDIVISM RATES.—

24 (1) IN GENERAL.—Beginning 1 year after the
25 date of enactment of this Act, and every year there-

1 after, the Attorney General, in consultation with the
2 Administrative Office of the United States Courts,
3 shall report to the appropriate committees of Con-
4 gress on rates of recidivism among individuals who
5 have been released from Federal prison and who are
6 under judicial supervision, including the rates of re-
7 cidivism at regular annual intervals during the 10-
8 year period after release from prison.

9 (2) CONTENTS.—The report required under
10 paragraph (1) shall contain information on rates of
11 recidivism among former Federal prisoners, includ-
12 ing information on rates of recidivism among former
13 Federal prisoners based on the following criteria:

14 (A) Primary offense charged.

15 (B) Length of sentence imposed and
16 served.

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

19 (D) Recidivism reduction programming
20 that the prisoner successfully completed, if any.

21 (E) The prisoner's assessed risk of recidi-
22 vism.

23 (3) ASSISTANCE.—The Administrative Office of
24 the United States Courts shall provide to the Attor-
25 ney General any information in its possession that is

1 necessary for the completion of the report required
2 under paragraph (1).

3 (d) REPORTING ON EXCLUDED PRISONERS.—Not
4 later than 8 years after the date of enactment of this Act,
5 the Attorney General shall submit to the appropriate com-
6 mittees of Congress a report on the effectiveness of recidi-
7 vism reduction programs and productive activities offered
8 to prisoners described in section 3621(h)(6)(A)(iii) of title
9 18, United States Code, as added by this title, as well as
10 those ineligible for credit toward prerelease custody under
11 section 3624(c)(2) of title 18, United States Code, as
12 added by this title, which shall review the effectiveness of
13 different categories of incentives in reducing recidivism.

14 (e) DEFINITION.—The term “appropriate committees
15 of Congress” means—

16 (1) the Committee on the Judiciary and the
17 Subcommittee on Commerce, Justice, Science, and
18 Related Agencies of the Committee on Appropria-
19 tions of the Senate; and

20 (2) the Committee on the Judiciary and the
21 Subcommittee on Commerce, Justice, Science, and
22 Related Agencies of the Committee on Appropria-
23 tions of the House of Representatives.

1 **SEC. 105. ADDITIONAL TOOLS TO PROMOTE RECOVERY**
2 **AND PREVENT DRUG AND ALCOHOL ABUSE**
3 **AND DEPENDENCE.**

4 (a) REENTRY AND RECOVERY PLANNING.—

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

7 (A) by redesignating subsections (b), (c),
8 and (d) as subsections (c), (d), and (e), respec-
9 tively;

10 (B) by inserting after subsection (a) the
11 following:

12 “(b) REENTRY AND RECOVERY PLANNING.—

13 “(1) IN GENERAL.—In addition to the informa-
14 tion required by rule 32(d) of the Federal Rules of
15 Criminal Procedure, the report submitted pursuant
16 to subsection (a) shall contain the following informa-
17 tion, unless such information is required to be ex-
18 cluded pursuant to rule 32(d)(3) of the Federal
19 Rules of Criminal Procedure or except as provided
20 in paragraph (2):

21 “(A) Information about the defendant’s
22 history of substance abuse and addiction, if ap-
23 plicable.

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

1 “(C) A detailed plan, which shall include
2 the identification of programming provided by
3 the Bureau of Prisons that is appropriate for
4 the defendant’s needs, that the probation officer
5 determines will—

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

9 “(ii) reduce the defendant’s likelihood
10 of recidivism by addressing the defendant’s
11 specific recidivism risk factors; and

12 “(iii) assist the defendant preparing
13 for reentry into the community.

14 “(2) EXCEPTIONS.—The information described
15 in paragraph (1)(C)(iii) shall not be required to be
16 included under paragraph (1), in the discretion of
17 the Probation Officer, if the applicable sentencing
18 range under the sentencing guidelines, as deter-
19 mined by the probation officer, includes a sentence
20 of life imprisonment or a sentence of probation.”;

21 (C) in subsection (c), as redesignated, in
22 the first sentence, by striking “subsection (a) or
23 (c)” and inserting “subsection (a) or (d)”;

1 (D) in subsection (d), as redesignated, by
2 striking “subsection (a) or (b)” and inserting
3 “subsection (a) or (c)”.

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

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

13 “(C) COMMENCEMENT OF TREATMENT.—
14 Not later than 12 months after the date of en-
15 actment of this subparagraph, the Director of
16 the Bureau of Prisons shall ensure that each el-
17 igible prisoner has an opportunity to commence
18 participation in treatment under this subsection
19 by such date as is necessary to ensure that the
20 prisoner completes such treatment not later
21 than 1 year before the date on which the pris-
22 oner would otherwise be released from custody
23 prior to the application of any reduction in sen-
24 tence pursuant to this paragraph.

1 “(D) OTHER CREDITS.—The Director of
2 the Bureau of Prisons may, in the Director’s
3 discretion, reduce the credit awarded under
4 subsection (h)(6)(A) to a prisoner who receives
5 a reduction under subparagraph (B), but such
6 reduction may not exceed one-half the amount
7 of the reduction awarded to the prisoner under
8 subparagraph (B).”.

9 (c) SUPERVISED RELEASE PILOT PROGRAM TO RE-
10 DUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCO-
11 HOL AND DRUG ABUSE.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Administrative
14 Office of the United States Courts shall establish a
15 recidivism reduction and recovery enhancement pilot
16 program, premised on high-intensity supervision and
17 the use of swift, predictable, and graduated sanc-
18 tions for noncompliance with program rules, in Fed-
19 eral judicial districts selected by the Administrative
20 Office of the United States Courts in consultation
21 with the Attorney General.

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

1 (A) Upon entry into the pilot program, the
2 court shall notify program participants of the
3 rules of the program and consequences for vio-
4 lating such rules, including the penalties to be
5 imposed as a result of such violations pursuant
6 to subparagraph (E).

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

10 (C) In the event that a probation officer
11 determines that a participant has violated a
12 term of supervised release, the officer shall no-
13 tify the court within 24 hours of such deter-
14 mination, absent good cause.

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

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

24 (i) Modification of the terms of such
25 participant's supervised release, which may

1 include imposition of a period of home con-
2 finement.

3 (ii) Referral to appropriate substance
4 abuse treatment.

5 (iii) Revocation of the defendant's su-
6 pervised release and the imposition of a
7 sentence of incarceration that is no longer
8 than necessary to punish the participant
9 for such violation and deter the participant
10 from committing future violations.

11 (iv) For participants who habitually
12 fail to abide by program rules or pose a
13 threat to public safety, termination from
14 the program.

15 (3) STATUS OF PARTICIPANT IF INCARCER-
16 ATED.—

17 (A) IN GENERAL.—In the event that a pro-
18 gram participant is sentenced to incarceration
19 as described in paragraph (2)(E)(iii), the par-
20 ticipant shall remain in the program upon re-
21 lease from incarceration unless terminated from
22 the program in accordance with paragraph
23 (2)(E)(iv).

24 (B) POLICIES FOR MAINTAINING EMPLOY-
25 MENT.—The Bureau of Prisons, in consultation

1 with the Chief Probation Officers of the Federal
2 judicial districts selected for participation in the
3 pilot program required under paragraph (1),
4 shall develop policies to enable program partici-
5 pants sentenced to terms of incarceration as de-
6 scribed in paragraph (2)(E) to, where prac-
7 ticable, serve the terms of incarceration while
8 maintaining employment, including allowing the
9 terms of incarceration to be served on week-
10 ends.

11 (4) ADVISORY SENTENCING POLICIES.—

12 (A) IN GENERAL.—The United States Sen-
13 tencing Commission, in consultation with the
14 Chief Probation Officers, the United States At-
15 torneys, Federal Defenders, and Chief Judges
16 of the districts selected for participation in the
17 pilot program required under paragraph (1),
18 shall establish advisory sentencing policies to be
19 used by the district courts in imposing sen-
20 tences of incarceration in accordance with para-
21 graph (2)(E).

22 (B) REQUIREMENT.—The advisory sen-
23 tencing policies established under subparagraph
24 (A) shall be consistent with the stated goal of
25 the pilot program to impose predictable and

1 graduated sentences that are no longer than
2 necessary for violations of program rules.

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

8 (6) ASSESSMENT OF PROGRAM OUTCOMES AND
9 REPORT TO CONGRESS.—

10 (A) IN GENERAL.—Not later than 2 years
11 after the date of enactment of this Act, the Ad-
12 ministrative Office of the United States Courts
13 shall conduct an evaluation of the pilot program
14 and submit to Congress a report on the results
15 of the evaluation.

16 (B) CONTENTS.—The report required
17 under subparagraph (A) shall include—

18 (i) the rates of substance abuse
19 among program participants;

20 (ii) the rates of violations of the terms
21 of supervised release by program partici-
22 pants, and sanctions imposed;

23 (iii) information about employment of
24 program participants;

1 (iv) a comparison of outcomes among
2 program participants with outcomes among
3 similarly situated individuals under the su-
4 pervision of United States Probation and
5 Pretrial Services not participating in the
6 program; and

7 (v) an assessment of the effectiveness
8 of each of the relevant features of the pro-
9 gram.

10 **SEC. 106. PROMOTING SUCCESSFUL REENTRY.**

11 (a) FEDERAL REENTRY DEMONSTRATION
12 PROJECTS.—

13 (1) EVALUATION OF EXISTING BEST PRACTICES
14 FOR REENTRY.—Not later than 1 year after the date
15 of enactment of this Act, the Attorney General, in
16 consultation with the Administrative Office of the
17 United States Courts, shall—

18 (A) evaluate best practices used for the re-
19 entry into society of individuals released from
20 the custody of the Bureau of Prisons, includ-
21 ing—

22 (i) conducting examinations of reentry
23 practices in Federal, State, and local jus-
24 tice systems; and

1 (ii) consulting with Federal, State,
2 and local prosecutors, Federal, State, and
3 local public defenders, nonprofit organiza-
4 tions that provide reentry services, and
5 criminal justice experts; and

6 (B) submit to the Committee on the Judi-
7 ciary of the Senate and the Committee on the
8 Judiciary of the House of Representatives a re-
9 port that details the evaluation conducted under
10 subparagraph (A).

11 (2) CREATION OF REENTRY DEMONSTRATION
12 PROJECTS.—Not later than 3 years after the date of
13 enactment of this Act, the Attorney General, in con-
14 sultation with the Administrative Office of the
15 United States Courts, shall, subject to the avail-
16 ability of appropriations, select an appropriate num-
17 ber of Federal judicial districts to conduct Federal
18 reentry demonstration projects using the best prac-
19 tices identified in the evaluation conducted under
20 paragraph (1), which may include Federal judicial
21 districts with existing reentry programs. The Attor-
22 ney General shall determine the appropriate number
23 of Federal judicial districts to conduct demonstra-
24 tion projects under this paragraph.

1 (3) PROJECT DESIGN.—For each Federal judi-
2 cial district selected under paragraph (2), the United
3 States Attorney, in consultation with the Chief
4 Judge, Chief Federal Defender, the Chief Probation
5 Officer, the Bureau of Justice Assistance, the Na-
6 tional Institute of Justice, and criminal justice ex-
7 perts shall design a Federal reentry demonstration
8 project for the Federal judicial district in accordance
9 with paragraph (4).

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

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

18 (B) a reentry review team for each pris-
19 oner to develop a reentry plan specific to the
20 needs of the prisoner, and to meet with the
21 prisoner following transfer to monitor the re-
22 entry plan;

23 (C) steps to assist the prisoner in obtain-
24 ing health care, housing, and employment, be-

1 fore the prisoner's release from a community
2 correctional facility or home confinement;

3 (D) regular drug testing for participants
4 with a history of substance abuse;

5 (E) substance abuse treatment, which may
6 include addiction treatment medication, if ap-
7 propriate, medical treatment, including mental
8 health treatment, occupational, vocational and
9 educational training, apprenticeships, life skills
10 instruction, recovery support, conflict resolution
11 training, and other programming to promote ef-
12 fective reintegration into the community;

13 (F) the participation of volunteers to serve
14 as advisors and mentors to prisoners being re-
15 leased into the community;

16 (G) steps to ensure that the prisoner
17 makes satisfactory progress toward satisfying
18 any obligations to victims of the prisoner's of-
19 fense, including any obligation to pay restitu-
20 tion; and

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

23 (5) REVIEW OF PROJECT OUTCOMES.—Not
24 later than 3 years after the date of enactment of
25 this Act, the Administrative Office of the United

1 States Courts, in consultation with the Attorney
2 General, shall—

3 (A) evaluate the results from each Federal
4 judicial district selected under paragraph (2),
5 including the extent to which participating pris-
6 oners released from the custody of the Bureau
7 of Prisons were successfully reintegrated into
8 their communities, including whether the par-
9 ticipating prisoners maintained employment,
10 and refrained from committing further offenses;
11 and

12 (B) submit to the Committee on the Judi-
13 ciary of the Senate and the Committee on the
14 Judiciary of the House of Representatives a re-
15 port that contains—

16 (i) the evaluation of the best practices
17 identified in the report required under
18 paragraph (1); and

19 (ii) the results of the demonstration
20 projects required under paragraph (2).

21 (b) STUDY ON THE IMPACT OF REENTRY ON CER-
22 TAIN COMMUNITIES.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this Act, the Attorney Gen-
25 eral, in consultation with the Administrative Office

1 of the United States Courts, shall submit to the
2 Committee on the Judiciary of the Senate and the
3 Committee on the Judiciary of the House of Rep-
4 resentatives a report on the impact of reentry of
5 prisoners on communities in which a dispropor-
6 tionate number of individuals reside upon release
7 from incarceration.

8 (2) CONTENTS.—The report required under
9 paragraph (1) shall analyze the impact of reentry of
10 individuals released from both State and Federal
11 correctional systems as well as State and Federal ju-
12 venile justice systems, and shall include—

13 (A) an assessment of the reentry burdens
14 borne by local communities and local law en-
15 forcement agencies;

16 (B) a review of the resources available in
17 such communities to support successful reentry,
18 including resources provided by State, local,
19 and Federal governments, the extent to which
20 those resources are used effectively; and

21 (C) recommendations to strengthen the re-
22 sources in such communities available to sup-
23 port successful reentry and to lessen the burden
24 placed on such communities by the need to sup-
25 port reentry.

1 (c) FACILITATING REENTRY ASSISTANCE TO VET-
2 ERANS.—

3 (1) IN GENERAL.—Not later than 2 months
4 after the date of the commencement of a prisoner's
5 sentence pursuant to section 3585(a) of title 18,
6 United States Code, the Director of the Bureau of
7 Prisons shall notify the Secretary of Veterans Af-
8 fairs and the Secretary of Labor if the prisoner's
9 presentence report, prepared pursuant to section
10 3552 of title 18, United States Code, indicates that
11 the prisoner has previously served in the Armed
12 Forces of the United States or if the prisoner has
13 so notified the Bureau of Prisons.

14 (2) POST-COMMENCEMENT NOTICE.—If the
15 prisoner informs the Bureau of Prisons of the pris-
16 oner's prior service in the Armed Forces of the
17 United States after the commencement of the pris-
18 oner's sentence, the Director of the Bureau of Pris-
19 ons shall notify the Secretary of Veterans Affairs
20 and the Secretary of Labor not later than 2 months
21 after the date on which the prisoner provides such
22 notice.

23 (3) CONTENTS OF NOTICE.—The notice pro-
24 vided by the Director of the Bureau of Prisons to
25 the Secretary of Veterans Affairs and the Secretary

1 of Labor under this subsection shall include the
2 identity of the prisoner, the facility in which the
3 prisoner is located, the prisoner's offense of conviction,
4 and the length of the prisoner's sentence.

5 (4) ACCESS TO VA AND DOL.—The Bureau of
6 Prisons shall provide the Department of Veterans
7 Affairs and the Department of Labor with reasonable
8 access to any prisoner who has previously
9 served in the Armed Forces of the United States for
10 purposes of facilitating that prisoner's reentry.

11 **SEC. 107. PAROLE FOR JUVENILES.**

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

15 **“§ 5032A. Modification of an imposed term of imprisonment for violations of law committed prior to age 18**

16 **“(a) IN GENERAL.—Notwithstanding any other provision of law, a court may reduce a term of life imprisonment imposed upon a defendant convicted as an adult for**
17 **an offense committed and completed before the defendant**
18 **attained 18 years of age if—**

19 **“(1) the defendant has served 30 years in custody for the offense; and**
20
21
22
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24

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

6 “(b) SUPERVISED RELEASE.—Any defendant whose
7 sentence is reduced pursuant to subsection (a) shall be or-
8 dered to serve a period of supervised release of not less
9 than 5 years following release from imprisonment. The
10 conditions of supervised release and any modification or
11 revocation of the term of supervise release shall be in ac-
12 cordance with section 3583.

13 “(c) FACTORS AND INFORMATION TO BE CONSID-
14 ERED IN DETERMINING WHETHER TO MODIFY A TERM
15 OF IMPRISONMENT.—The court, in determining whether
16 to reduce a term of imprisonment pursuant to subsection
17 (a), shall consider—

18 “(1) the factors described in section 3553(a),
19 including the nature of the offense and the history
20 and characteristics of the defendant;

21 “(2) the age of the defendant at the time of the
22 offense;

23 “(3) a report and recommendation of the Bu-
24 reau of Prisons, including information on whether
25 the defendant has substantially complied with the

1 rules of each institution to which the defendant has
2 been confined and whether the defendant has com-
3 pleted any educational, vocational, or other prison
4 program, where available;

5 “(4) a report and recommendation of the
6 United States attorney for any district in which an
7 offense for which the defendant is imprisoned was
8 prosecuted;

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

12 “(6) any statement, which may be presented
13 orally or otherwise, by any victim of an offense for
14 which the defendant is imprisoned or by a family
15 member of the victim if the victim is deceased;

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

19 “(8) the family and community circumstances
20 of the defendant at the time of the offense, including
21 any history of abuse, trauma, or involvement in the
22 child welfare system;

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

1 “(10) the diminished culpability of juveniles as
2 compared to that of adults, and the hallmark fea-
3 tures of youth, including immaturity, impetuosity,
4 and failure to appreciate risks and consequences,
5 which counsel against sentencing them to the other-
6 wise applicable term of imprisonment;

7 “(11) input from local law enforcement authori-
8 ties regarding prior conduct and any other relevant
9 information; and

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

12 “(d) LIMITATION ON APPLICATIONS PURSUANT TO
13 THIS SECTION.—

14 “(1) SECOND APPLICATION.—Not earlier than
15 5 years after the date on which an order entered by
16 a court on an initial application under this section
17 becomes final, a court shall entertain a second appli-
18 cation by the same defendant under this section.

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

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

4 “(e) PROCEDURES.—

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

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

12 “(B) the sentencing court, the United
13 States attorney, and the Federal Public De-
14 fender or Executive Director of the Community
15 Defender Organization for the judicial district
16 in which the sentence described in subpara-
17 graph (A) was imposed.

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

22 “(3) APPLICATION.—

23 “(A) IN GENERAL.—An application for a
24 sentence reduction under this section shall be
25 filed as a motion to reduce the sentence of the

1 defendant and may include affidavits or other
2 written material.

3 “(B) REQUIREMENT.—A motion to reduce
4 a sentence under this section shall be filed with
5 the sentencing court and a copy shall be served
6 on the United States attorney for the judicial
7 district in which the sentence was imposed.

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

9 “(A) EXPANDING THE RECORD.—After the
10 filing of a motion to reduce a sentence under
11 this section, the court may direct the parties to
12 expand the record by submitting additional
13 written materials relating to the motion.

14 “(B) HEARING.—

15 “(i) IN GENERAL.—The court shall
16 conduct a hearing on the motion, at which
17 the defendant and counsel for the defend-
18 ant shall be given the opportunity to be
19 heard.

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

23 “(iii) DEFENDANT’S PRESENCE.—At
24 a hearing under this section, the defendant
25 shall be present unless the defendant

1 waives the right to be present. The re-
2 quirement under this clause may be satis-
3 fied by the defendant appearing by video
4 teleconference.

5 “(iv) COUNSEL.—A defendant who is
6 unable to obtain counsel is entitled to have
7 counsel appointed to represent the defend-
8 ant for proceedings under this section, in-
9 cluding any appeal, unless the defendant
10 waives the right to counsel.

11 “(v) FINDINGS.—The court shall state
12 in open court, and file in writing, the rea-
13 sons for granting or denying a motion
14 under this section.

15 “(C) APPEAL.—The Government or the
16 defendant may file a notice of appeal in the dis-
17 trict court for review of a final order under this
18 section. The time limit for filing such appeal
19 shall be governed by rule 4(a) of the Federal
20 Rules of Appellate Procedure.

21 “(f) EDUCATIONAL AND REHABILITATIVE PRO-
22 GRAMS.—A defendant who is convicted and sentenced as
23 an adult for an offense committed and completed before
24 the defendant attained 18 years of age may not be de-
25 prived of any educational, training, or rehabilitative pro-

1 gram that is otherwise available to the general prison pop-
2 ulation.”.

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

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

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

10 **SEC. 108. COMPASSIONATE RELEASE INITIATIVE.**

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

13 (1) in paragraph (1)—

14 (A) by inserting “and eligible terminally ill
15 offenders” after “elderly offenders” each place
16 that term appears; and

17 (B) in subparagraph (B), by inserting “,
18 upon written request from either the Bureau of
19 Prisons or an eligible elderly offender or eligible
20 terminally ill offender” after “to home deten-
21 tion”;

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

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

3 (4) in paragraph (4)—

4 (A) by inserting “or eligible terminally ill
5 offender” after “each eligible elderly offender”;
6 and

7 (B) by inserting “and eligible terminally ill
8 offenders” after “eligible elderly offenders”;
9 and

10 (5) in paragraph (5)—

11 (A) in subparagraph (A)—

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

14 (ii) in clause (ii)—

15 (I) by striking “the greater of 10
16 years or”; and

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

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

20 “(D) ELIGIBLE TERMINALLY ILL OF-
21 FENDER.—The term ‘eligible terminally ill of-
22 fender’ means an offender in the custody of the
23 Bureau of Prisons who—

24 “(i) is serving a term of imprisonment
25 based on conviction for an offense or of-

1 fenses that do not include any crime of vio-
2 lence (as defined in section 16 of title 18,
3 United States Code), sex offense (as de-
4 fined in section 111(5) of the Sex Offender
5 Registration and Notification Act (34
6 U.S.C. 20911(5))), offense described in
7 section 2332b(g)(5)(B) of title 18, United
8 States Code, or offense under chapter 37
9 of title 18, United States Code;

10 “(ii) satisfies the criteria specified in
11 clauses (iii) through (vii) of subparagraph
12 (A); and

13 “(iii) has been determined by a med-
14 ical doctor approved by the Bureau of
15 Prisons to be—

16 “(I) in need of care at a nursing
17 home, intermediate care facility, or
18 assisted living facility, as those terms
19 are defined in section 232 of the Na-
20 tional Housing Act (12 U.S.C.
21 1715w); or

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

1 **TITLE II—BUREAU OF PRISONS**
2 **SECURE FIREARMS STORAGE**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Lieutenant Osvaldo
5 Albarati Correctional Officer Self-Protection Act of
6 2017”.

7 **SEC. 202. FINDINGS.**

8 Congress finds that—

9 (1) the Law Enforcement Officers Safety Act of
10 2004 (Public Law 108–277; 118 Stat. 865) gives
11 certain law enforcement officers, including certain
12 correctional officers of the Bureau of Prisons, the
13 right to carry a concealed firearm in all 50 States
14 for self-protection;

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

18 (3) correctional officers of the Bureau of Pris-
19 ons have been the targets of assaults and murders
20 while off duty; and

21 (4) while that Act allows certain law enforce-
22 ment officers to protect themselves off duty, the Di-
23 rector of the Bureau of Prisons allows correctional
24 officers of the Bureau of Prisons to securely store

1 personal firearms at only 33 Federal penal and cor-
2 rectional institutions while at work.

3 **SEC. 203. SECURE FIREARMS STORAGE.**

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

7 **“§ 4050. Secure firearms storage**

8 “(a) DEFINITIONS.—In this section—

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

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

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

18 “(1)(A) provides a secure storage area located
19 outside of the secure perimeter of the institution for
20 employees to store firearms; or

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

24 “(2) notwithstanding any other provision of
25 law, allows employees to carry concealed firearms on

1 the premises outside of the secure perimeter of the
2 institution.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

4 The table of sections for chapter 303 of title 18, United
5 States Code, as amended by this Act, is further amended
6 by adding at the end the following:

“4050. Secure firearms storage.”.

7 **TITLE III—NATIONAL CRIMINAL**
8 **JUSTICE COMMISSION**

9 **SEC. 301. SHORT TITLE.**

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

12 **SEC. 302. FINDINGS.**

13 Congress finds that—

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

17 (2) there has not been a comprehensive study
18 since the President’s Commission on Law Enforce-
19 ment and Administration of Justice was established
20 in 1965;

21 (3) that commission, in a span of 18 months,
22 produced a comprehensive report entitled “The
23 Challenge of Crime in a Free Society”, which con-
24 tained 200 specific recommendations on all aspects
25 of the criminal justice system involving Federal,

1 State, tribal, and local governments, civic organiza-
2 tions, religious institutions, business groups, and in-
3 dividual citizens; and

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

13 **SEC. 303. ESTABLISHMENT OF COMMISSION.**

14 There is established a commission to be known as the
15 “National Criminal Justice Commission” (referred to in
16 this title as the “Commission”).

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

18 The Commission shall—

19 (1) undertake a comprehensive review of the
20 criminal justice system;

21 (2) make recommendations for Federal criminal
22 justice reform to the President and Congress; and

23 (3) disseminate findings and supplemental guid-
24 ance to the Federal Government, as well as to State,
25 local, and tribal governments.

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

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

6 (b) RECOMMENDATIONS.—

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

16 (2) UNANIMOUS CONSENT REQUIRED.—A rec-
17 ommendation of the Commission may be adopted
18 and submitted under paragraph (1) if the rec-
19 ommendation is approved by a unanimous vote of
20 the Commissioners at a meeting where a quorum is
21 present pursuant to section 306(d).

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

25 (c) REPORT.—

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

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

19 (3) REQUIREMENT.—The report submitted
20 under this subsection shall be made available to the
21 public.

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

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

6 (f) PUBLIC HEARINGS.—The Commission shall con-
7 duct public hearings in various locations around the
8 United States.

9 (g) CONSULTATION WITH GOVERNMENT AND NON-
10 GOVERNMENT REPRESENTATIVES.—

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

12 (A) closely consult with Federal, State,
13 local, and tribal government and nongovern-
14 mental leaders, including State, local, and tribal
15 law enforcement officials, including rank and
16 file officers, legislators, public health officials,
17 judges, court administrators, prosecutors, de-
18 fense counsel, victims' rights organizations, pro-
19 bation and parole officials, criminal justice
20 planners, criminologists, civil rights and lib-
21 erties organizations, community-based organiza-
22 tion leaders, formerly incarcerated individuals,
23 professional organizations, and corrections offi-
24 cials; and

1 (B) include in the final report required
2 under subsection (c) summaries of the input
3 and recommendations of these leaders.

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

11 (h) SENSE OF CONGRESS, GOAL OF UNANIMITY.—
12 It is the sense of the Congress that, given the national
13 importance of the matters before the Commission, the
14 Commission should work toward unanimously supported
15 findings and supplemental guidance, and that unani-
16 mously supported findings and supplemental guidance
17 should take precedence over those findings and supple-
18 mental guidance that are not unanimously supported.

19 **SEC. 306. MEMBERSHIP.**

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

22 (1) One member shall be appointed by the
23 President, who shall serve as co-chairman of the
24 Commission.

1 (2) One member shall be appointed by the lead-
2 er of the Senate, in consultation with the leader of
3 the House of Representatives, that is a member of
4 the opposite party of the President, who shall serve
5 as co-chairman of the Commission.

6 (3) Two members shall be appointed by the sen-
7 ior member of the Senate leadership of the Demo-
8 cratic Party, in consultation with the Democratic
9 leadership of the Committee on the Judiciary.

10 (4) Two members shall be appointed by the sen-
11 ior member of the Senate leadership of the Repub-
12 lican Party, in consultation with the Republican
13 leadership of the Committee on the Judiciary.

14 (5) Two members shall be appointed by the sen-
15 ior member of the leadership of the House of Rep-
16 resentatives of the Republican Party, in consultation
17 with the Republican leadership of the Committee on
18 the Judiciary.

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

24 (7) Two members, who shall be State and local
25 representatives, shall be appointed by the President

1 in agreement with the leader of the Senate (majority
2 or minority leader, as the case may be) of the Re-
3 publican Party and the leader of the House of Rep-
4 resentatives (majority or minority leader, as the case
5 may be) of the Republican Party.

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

13 (b) MEMBERSHIP.—

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

20 (A) law enforcement;

21 (B) criminal justice;

22 (C) national security;

23 (D) prison and jail administration;

24 (E) prisoner reentry;

1 (F) public health, including physical and
2 sexual victimization, drug addiction and mental
3 health;

4 (G) victims' rights;

5 (H) civil rights;

6 (I) civil liberties;

7 (J) court administration;

8 (K) social services; and

9 (L) State, local, and tribal government.

10 (2) DISQUALIFICATION.—An individual shall
11 not be appointed as a member of the Commission if
12 such individual possesses any personal financial in-
13 terest in the discharge of any of the duties of the
14 Commission.

15 (3) TERMS.—Members shall be appointed for
16 the life of the Commission.

17 (c) APPOINTMENT; FIRST MEETING.—

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

21 (2) FIRST MEETING.—The Commission shall
22 hold its first meeting on the date that is 60 days
23 after the date of enactment of this Act, or not later
24 than 30 days after the date on which funds are

1 made available for the Commission, whichever is
2 later.

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

11 (d) MEETINGS; QUORUM; VACANCIES.—

12 (1) MEETINGS.—The Commission shall meet at
13 the call of the co-chairs or a majority of its mem-
14 bers.

15 (2) QUORUM.—Eight members of the Commis-
16 sion shall constitute a quorum for purposes of con-
17 ducting business, except that 2 members of the
18 Commission shall constitute a quorum for purposes
19 of receiving testimony.

20 (3) VACANCIES.—Any vacancy in the Commis-
21 sion shall not affect its powers, but shall be filled in
22 the same manner in which the original appointment
23 was made. If vacancies in the Commission occur on
24 any day after 45 days after the date of the enact-
25 ment of this Act, a quorum shall consist of a major-

1 ity of the members of the Commission as of such
2 day, so long as not less than 1 Commission member
3 chosen by a member of each party, Republican and
4 Democratic, is present.

5 (e) ACTIONS OF COMMISSION.—

6 (1) IN GENERAL.—The Commission—

7 (A) shall, subject to the requirements of
8 section 305, act by resolution agreed to by a
9 majority of the members of the Commission
10 voting and present; and

11 (B) may establish panels composed of less
12 than the full membership of the Commission for
13 purposes of carrying out the duties of the Com-
14 mission under this title—

15 (i) which shall be subject to the review
16 and control of the Commission; and

17 (ii) any findings and determinations
18 made by such a panel shall not be consid-
19 ered the findings and determinations of the
20 Commission unless approved by the Com-
21 mission.

22 (2) DELEGATION.—Any member, agent, or staff
23 of the Commission may, if authorized by the co-
24 chairs of the Commission, take any action which the

1 Commission is authorized to take pursuant to this
2 title.

3 **SEC. 307. ADMINISTRATION.**

4 (a) STAFF.—

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

11 (2) APPOINTMENT AND COMPENSATION.—The
12 co-chairs of the Commission shall designate and fix
13 the compensation of the Executive Director and, in
14 accordance with rules agreed upon by the Commis-
15 sion, may appoint and fix the compensation of such
16 other personnel as may be necessary to enable the
17 Commission to carry out its functions, without re-
18 gard to the provisions of title 5, United States Code,
19 governing appointments in the competitive service,
20 and without regard to the provisions of chapter 51
21 and subchapter III of chapter 53 of such title relat-
22 ing to classification and General Schedule pay rates,
23 except that no rate of pay fixed under this sub-
24 section may exceed the equivalent of that payable for

1 a position at level V of the Executive Schedule under
2 section 5316 of title 5, United States Code.

3 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

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

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

13 (4) THE COMPENSATION OF COMMISSIONERS.—
14 Each member of the Commission may be com-
15 pensated at not to exceed the daily equivalent of the
16 annual rate of basic pay in effect for a position at
17 level V of the Executive Schedule under section 5315
18 of title 5, United States Code, for each day during
19 which that member is engaged in the actual per-
20 formance of the duties of the Commission. All mem-
21 bers of the Commission who are officers or employ-
22 ees of the United States, State, or local government
23 shall serve without compensation in addition to that
24 received for their services as officers or employees.

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

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

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

20 (d) OTHER RESOURCES.—The Commission shall
21 have reasonable access to materials, resources, statistical
22 data, and other information such Commission determines
23 to be necessary to carry out its duties from the Library
24 of Congress, the Department of Justice, the Office of Na-
25 tional Drug Control Policy, the Department of State, and

1 other agencies of the executive and legislative branches of
2 the Federal Government. The co-chairs of the Commission
3 shall make requests for such access in writing when nec-
4 essary.

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

21 (f) OBTAINING OFFICIAL DATA.—The Commission
22 may secure directly from any agency of the United States
23 information necessary to enable it to carry out this title.
24 Upon the request of the co-chairs of the Commission, the
25 head of that department or agency shall furnish that infor-

1 mation to the Commission. The Commission shall not have
2 access to sensitive information regarding ongoing inves-
3 tigations.

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

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

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

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

22 (k) **ADMINISTRATIVE ASSISTANCE.**—The Adminis-
23 trator of General Services shall provide to the Commis-
24 sion, on a reimbursable basis, the administrative support
25 services necessary for the Commission to carry out its re-

1 sponsibilities under this title. These administrative serv-
2 ices may include human resource management, budget,
3 leasing, accounting, and payroll services.

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

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

9 (2) MEETINGS AND MINUTES.—

10 (A) MEETINGS.—

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

23 (ii) NOTICE.—All open meetings of
24 the Commission shall be preceded by time-

1 ly public notice in the Federal Register of
2 the time, place, and subject of the meeting.

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

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

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

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

1 that none of the funds authorized to be used to carry out
2 this title may be used for international travel.

3 **SEC. 309. SUNSET.**

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