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114TH CONGRESS
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H. R. 759

[Report No. 114–894]

To enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. CHAFFETZ (for himself, Mr. RICHMOND, Mr. GOWDY, and Mr. JEFFRIES) introduced the following bill; which was referred to the Committee on the Judiciary

DECEMBER 23, 2016

Additional sponsors: Mr. FARENTHOLD, Mr. CICILLINE, Mr. LABRADOR, Mr. RUSSELL, Mr. DUNCAN of Tennessee, Ms. DUCKWORTH, Mr. QUIGLEY, Mr. TED LIEU of California, Ms. BASS, Ms. JACKSON LEE, Mr. SENSENBRENNER, Mr. VARGAS, Mr. POLIS, Mr. MESSER, Mrs. NAPOLITANO, Mr. LARSEN of Washington, Mrs. LOVE, Mr. LOEBSACK, Ms. GABBARD, Mr. COHEN, Ms. PINGREE, and Mrs. BEATTY

DECEMBER 23, 2016

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 5, 2015]

A BILL

To enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction.

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Cor-*
 5 *rections and Recidivism Reduction Act of 2016”.*

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

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM RISK REDUCTION

Sec. 101. Short title.

Sec. 102. Duties of the Attorney General.

Sec. 103. Post-sentencing risk and needs assessment system.

Sec. 104. Recidivism reduction program and productive activity recommenda-
tions.

Sec. 105. Report.

Sec. 106. Use of System and recommendations by Bureau of Prisons.

Sec. 107. Definitions.

Sec. 108. Authorization of appropriations.

Sec. 109. Rule of construction.

TITLE II—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

Sec. 201. Use of restraints on prisoners during the period of pregnancy and
postpartum recovery prohibited.

TITLE III—BUREAU OF PRISONS USE OF OLEORESIN CAPSICUM
SPRAY

Sec. 301. Short title.

Sec. 302. Officers and employees of the Bureau of Prisons authorized to carry ole-
oresin capsicum spray.

Sec. 303. GAO Report.

TITLE IV—BUREAU OF PRISONS SECURE FIREARMS STORAGE

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Secure firearms storage.

TITLE V—MISCELLANEOUS

Sec. 501. De-escalation training.

Sec. 502. Medication-Assisted Treatment for Opioid and Heroin Abuse.

Sec. 503. Monitoring of electronic communications between prisoner and attorney.

Sec. 504. Pilot programs.

Sec. 505. Ensuring supervision of released sexually dangerous persons.

Sec. 506. Data collection.

Sec. 507. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.

Sec. 508. Release coordination.

1 **TITLE I—RECIDIVISM RISK**
2 **REDUCTION**

3 **SEC. 101. SHORT TITLE.**

4 *This title may be cited as the “Recidivism Risk Reduc-*
5 *tion Act”.*

6 **SEC. 102. DUTIES OF THE ATTORNEY GENERAL.**

7 *(a) IN GENERAL.—The Attorney General shall carry*
8 *out this section in consultation with—*

9 *(1) the Director of the Bureau of Prisons;*

10 *(2) the Director of the Administrative Office of*
11 *the United States Courts;*

12 *(3) the Director of the Office of Probation and*
13 *Pretrial Services; and*

14 *(4) the Director of the National Institute of Jus-*
15 *tice.*

16 *(b) DUTIES.—The Attorney General shall, in accord-*
17 *ance with subsection (c)—*

18 *(1) develop a prisoner risk and needs assessment*
19 *system in accordance with section 103;*

20 *(2) develop recommendations regarding recidi-*
21 *vism reduction programs and productive activities in*
22 *accordance with section 104;*

23 *(3) conduct ongoing research and data analysis*
24 *on—*

1 (A) the best practices relating to the use of
2 prisoner risk and needs assessment tools;

3 (B) the best available risk and needs assess-
4 ment tools and the level to which they rely on
5 dynamic risk factors that could be addressed and
6 changed over time, and on measures of risk of re-
7 cidivism, individual needs, and responsiveness to
8 recidivism reduction programs;

9 (C) the most effective and efficient uses of
10 such tools in conjunction with recidivism reduc-
11 tion programs, productive activities, incentives,
12 and rewards; and

13 (D) which recidivism reduction programs
14 are the most effective for addressing the specific
15 criminogenic needs of prisoners, and how much
16 programming is appropriate to most effectively
17 reduce the risk of recidivism for prisoners with
18 different risks of recidivating;

19 (4) on a biennial basis, review the system devel-
20 oped under paragraph (1) and the recommendations
21 developed under paragraph (2), using the research
22 conducted under paragraph (3), to determine whether
23 any revisions or updates should be made, and if so,
24 make such revisions or updates;

1 *recidivism risk metric distinguishes the different rates*
2 *of failure;*

3 *(2) assign the prisoner to appropriate recidivism*
4 *reduction programs or productive activities based on*
5 *that determination, the prisoner's specific*
6 *criminogenic needs, and in accordance with sub-*
7 *section (c);*

8 *(3) reassess the recidivism risk of each prisoner*
9 *periodically using an appropriate reassessment tool*
10 *described in subsection (b)(1)(B), and reassign the*
11 *prisoner to appropriate recidivism reduction pro-*
12 *grams or productive activities based on the revised de-*
13 *termination, the specific criminogenic needs of the*
14 *prisoner, and the successful completion of recidivism*
15 *reduction programs in accordance with subsection (e);*
16 *and*

17 *(4) determine when a prisoner is ready to trans-*
18 *fer into prerelease custody in accordance with section*
19 *3624(g) of title 18, United States Code, as added by*
20 *this title.*

21 *(b) RISK AND NEEDS ASSESSMENT TOOLS.—*

22 *(1) IN GENERAL.—The Attorney General shall—*

23 *(A) adapt the Federal Post Conviction Risk*
24 *Assessment Tool developed and utilized by the*
25 *Administrative Office of the United States*

1 *Courts in order to develop suitable risk and*
2 *needs assessment tools to be used in the System*
3 *developed under subsection (a) by using the re-*
4 *search and data analysis required to be con-*
5 *ducted under section 102(b)(3) on the best avail-*
6 *able risk and needs assessment tools available as*
7 *of the date of the enactment of this Act, and de-*
8 *termining, using the methods required under sec-*
9 *tion 102(c), how to make the most effective and*
10 *efficient tools to accomplish for each prisoner, the*
11 *assessments, assignments, and reassessments de-*
12 *scribed in paragraphs (1) through (3) of sub-*
13 *section (a); and*

14 *(B) ensure that the risk and needs assess-*
15 *ment tool to be used in the reassessments de-*
16 *scribed in subsection (a)(3) measures and uses*
17 *dynamic risk factors, indicators of progress, and*
18 *of regression, including newly acquired skills*
19 *and changes in attitude and behavior over time.*

20 *(2) VALIDATION ON PRISONERS.—In carrying*
21 *out this subsection, the Attorney General shall statis-*
22 *tically validate any tools that the Attorney General*
23 *selects for use in the System on the Federal prison*
24 *population, or ensure that the tools have been so vali-*
25 *dated.*

1 (3) *EVALUATION.*—*The Attorney General shall*
2 *ensure that the System does not result in unwar-*
3 *ranted disparities, including by—*

4 (A) *regularly evaluating rates of recidivism*
5 *among similarly classified prisoners to identify*
6 *any unwarranted disparities in such rates, in-*
7 *cluding disparities among similarly classified*
8 *prisoners of different demographic groups; and*

9 (B) *adjusting the System to reduce such dis-*
10 *parities to the greatest extent possible.*

11 (c) *ASSIGNMENT OF RECIDIVISM REDUCTION PRO-*
12 *GRAMS.*—*The System shall provide guidance on the kind*
13 *and amount of recidivism reduction programming or pro-*
14 *ductive activities that should be assigned for each prisoner*
15 *and shall provide—*

16 (1) *that the higher a prisoner's risk of*
17 *recidivating, the more programming the prisoner*
18 *shall participate in, according to the prisoner's spe-*
19 *cific criminogenic needs;*

20 (2) *information on the best ways that the Bu-*
21 *reau of Prisons can tailor the programs to the specific*
22 *criminogenic needs of each prisoner so as to best*
23 *lower each prisoner's risk of recidivating; and*

1 (3) *that all prisoners shall participate in recidi-*
2 *vism reduction programs or productive activities*
3 *throughout their entire term of incarceration.*

4 (d) *HOUSING ASSIGNMENT.—The System shall provide*
5 *guidance on grouping and housing assignment determina-*
6 *tions and, after accounting for the safety of each prisoner*
7 *and other individuals at the prison, provide that prisoners*
8 *with a similar risk of recidivating be grouped and housed*
9 *together to the extent practicable.*

10 (e) *RECIDIVISM REDUCTION PROGRAM AND PRODUC-*
11 *TIVE ACTIVITY INCENTIVES AND REWARDS.—The System*
12 *shall provide incentives and rewards for prisoners to par-*
13 *ticipate in and complete recidivism reduction programs*
14 *and productive activities as follows:*

15 (1) *FAMILY PHONE AND VISITATION PRIVI-*
16 *LEGES.—A prisoner who is successfully participating*
17 *in a recidivism reduction program or a productive*
18 *activity shall receive, for use with family (including*
19 *extended family), close friends, mentors, and religious*
20 *leaders—*

21 (A) *phone privileges, or, if available, video*
22 *conferencing privileges, for up to 30 minutes per*
23 *day, and up to 900 minutes per month; and*

1 (B) *additional time for visitation at the*
2 *prison, as determined by the warden of the pris-*
3 *on.*

4 (2) *TIME CREDITS.—*

5 (A) *IN GENERAL.—A prisoner shall earn 10*
6 *days of time credits for each 30 days that the*
7 *prisoner successfully participates in a recidivism*
8 *reduction program or productive activity, except*
9 *that—*

10 (i) *a prisoner (other than a prisoner*
11 *described in clause (ii)) who has been deter-*
12 *mined, over two consecutive reassessments,*
13 *to have reduced their risk of recidivism,*
14 *shall earn an additional 5 days of time*
15 *credits for each 30 days that the prisoner*
16 *successfully participates in a recidivism re-*
17 *duction program or productive activity; and*

18 (ii) *a prisoner who has a low or no*
19 *risk of recidivism and who has been deter-*
20 *mined, over two consecutive reassessments,*
21 *not to have increased their risk of recidi-*
22 *vism, shall earn an additional 5 days of*
23 *time credits for each 30 days that the pris-*
24 *oner successfully participates in a recidi-*

1 *vism reduction program or productive ac-*
2 *tivity.*

3 (B) *AVAILABILITY.*—*A prisoner may not*
4 *earn time credits under this paragraph for a re-*
5 *cidivism reduction program or productive activ-*
6 *ity that the prisoner successfully participated*
7 *in—*

8 (i) *prior to the date of the enactment*
9 *of this Act; or*

10 (ii) *during official detention prior to*
11 *the date that the prisoner’s sentence com-*
12 *mences under section 3585(a) of title 18,*
13 *United States Code, if the prisoner becomes*
14 *ineligible to receive time credits under sub-*
15 *paragraph (C).*

16 (C) *INELIGIBLE PRISONERS.*—*A prisoner*
17 *-serving a sentence as a result of a conviction for*
18 *an offense under any of the following provisions*
19 *of law shall be ineligible to receive time credits:*

20 (i) *Section 113(a)(1) of title 18,*
21 *United States Code, relating to assault with*
22 *intent to commit murder.*

23 (ii) *Section 115 of title 18, United*
24 *States Code, relating to influencing, imped-*
25 *ing, or retaliating against a Federal official*

1 *by injuring a family member, except for a*
2 *threat made in violation of that section.*

3 *(iii) Any section of chapter 10 of title*
4 *18, United States Code, relating to biological*
5 *weapons.*

6 *(iv) Any section of chapter 11B of title*
7 *18, United States Code, relating to chemical*
8 *weapons.*

9 *(v) Section 351 of title 18, United*
10 *States Code, relating to Congressional, Cab-*
11 *inet, and Supreme Court assassination, kid-*
12 *napping, and assault.*

13 *(vi) Section 793 of title 18, United*
14 *States Code, relating to gathering, transmit-*
15 *ting, or losing defense information.*

16 *(vii) Section 794 of title 18, United*
17 *States Code, relating to gathering or deliv-*
18 *ering defense information to aid a foreign*
19 *government.*

20 *(viii) Any section of chapter 39,*
21 *United States Code, relating to explosives*
22 *and other dangerous articles, except for sec-*
23 *tion 836 (relating to the transportation of*
24 *fireworks into a State prohibiting sale or*
25 *use).*

1 *(ix) Section 842(p) of title 18, United*
2 *States Code, relating to distribution of in-*
3 *formation relating to explosive, destructive*
4 *devices, and weapons of mass destruction,*
5 *but only if the conviction involved a weap-*
6 *on of mass destruction (as defined in section*
7 *2332a(c)(2) of such title).*

8 *(x) Subsections (f)(3), (h), or (i) of sec-*
9 *tion 844 of title 18, United States Code, re-*
10 *lating to the use of fire or an explosive.*

11 *(xi) Section 924(e) of title 18, United*
12 *States Code, relating to unlawful possession*
13 *of a firearm by a person with 3 or more*
14 *convictions for a violent felony or a serious*
15 *drug offense.*

16 *(xii) Section 1030(a)(1) of title 18,*
17 *United States Code, relating to fraud and*
18 *related activity in connection with com-*
19 *puters.*

20 *(xiii) Any section of chapter 51 of title*
21 *18, United States Code, relating to homi-*
22 *cide, except for section 1112 (relating to*
23 *manslaughter), 1113 (relating to attempt to*
24 *commit murder or manslaughter, but only*
25 *if the conviction was for an attempt to com-*

1 *mit manslaughter), 1115 (relating to mis-*
2 *conduct or neglect of ship officers), or 1122*
3 *(relating to protection against the human*
4 *immunodeficiency virus).*

5 *(xiv) Any section of chapter 55 of title*
6 *18, United States Code, relating to kidnap-*
7 *ping.*

8 *(xv) Any offense under chapter 77 of*
9 *title 18, United States Code, relating to pe-*
10 *onage, slavery, and trafficking in persons,*
11 *except for sections 1592 through 1596.*

12 *(xvi) Section 1751 of title 18, United*
13 *States Code, relating to Presidential and*
14 *Presidential staff assassination, kidnap-*
15 *ping, and assault.*

16 *(xvii) Section 1841(a)(2)(C) of title 18,*
17 *United States Code, relating to inten-*
18 *tionally killing or attempting to kill an un-*
19 *born child.*

20 *(xviii) Section 1992 of title 18, United*
21 *States Code, relating to terrorist attacks*
22 *and other violence against railroad carriers*
23 *and against mass transportation systems on*
24 *land, on water, or through the air.*

1 *(xix) Section 2113(e) of title 18,*
2 *United States Code, relating to bank rob-*
3 *bery resulting in death.*

4 *(xx) Section 2118(c)(2) of title 18,*
5 *United States Code, relating to robberies*
6 *and burglaries involving controlled sub-*
7 *stances resulting in death.*

8 *(xxi) Section 2119(3) of title 18,*
9 *United States Code, relating to taking a*
10 *motor vehicle (commonly referred to as*
11 *“carjacking”) that results in death.*

12 *(xxii) Any section of chapter 105 of*
13 *title 18, United States Code, relating to sab-*
14 *otage, except for section 2152.*

15 *(xxiii) Any section of chapter 109A of*
16 *title 18, United States Code, relating to sex-*
17 *ual abuse, except that with regard to section*
18 *2244 of such title, only a conviction under*
19 *subsection (c) of that section (relating to*
20 *abusive sexual contact involving young chil-*
21 *dren) shall make a prisoner ineligible under*
22 *this subparagraph.*

23 *(xxiv) Section 2251 of title 18, United*
24 *States Code, relating to the sexual exploi-*
25 *tation of children.*

1 *(xxv) Section 2251A of title 18, United*
2 *States Code, relating to the selling or buy-*
3 *ing of children.*

4 *(xxvi) Any of paragraphs (1) through*
5 *(3) of section 2252(a) of title 18, United*
6 *States Code, relating to certain activities re-*
7 *lating to material involving the sexual ex-*
8 *ploitation of minors.*

9 *(xxvii) A second or subsequent convic-*
10 *tion under any of paragraphs (1) through*
11 *(6) of section 2252A(a) of title 18, United*
12 *States Code, relating to certain activities re-*
13 *lating to material constituting or con-*
14 *taining child pornography.*

15 *(xxviii) Section 2260 of title 18,*
16 *United States Code, relating to the produc-*
17 *tion of sexually explicit depictions of a*
18 *minor for importation into the United*
19 *States.*

20 *(xxix) Section 2283 of title 18, United*
21 *States Code, relating to the transportation*
22 *of explosive, biological, chemical, or radio-*
23 *active or nuclear materials.*

1 *(xxx) Section 2284 of title 18, United*
2 *States Code, relating to the transportation*
3 *of terrorists.*

4 *(xxxi) Section 2291 of title 18, United*
5 *States Code, relating to the destruction of a*
6 *vessel or maritime facility, but only if the*
7 *conduct which led to the conviction involved*
8 *a substantial risk of death or serious bodily*
9 *injury.*

10 *(xxxii) Any section of chapter 113B of*
11 *title 18, United States Code, relating to ter-*
12 *rorism.*

13 *(xxxiii) Section 2340A of title 18,*
14 *United States Code, relating to torture.*

15 *(xxxiv) Section 2381 of title 18, United*
16 *States Code, relating to treason.*

17 *(xxxv) Section 2442 of title 18, United*
18 *States Code, relating to the recruitment or*
19 *use of child soldiers.*

20 *(xxxvi) Section 57(b) of the Atomic*
21 *Energy Act of 1954 (42 U.S.C. 2077(b)), re-*
22 *lating to the engagement or participation in*
23 *the development or production of special nu-*
24 *clear material.*

1 *(xxxvii) Section 92 of the Atomic En-*
2 *ergy Act of 1954 (42 U.S.C. 2122), relating*
3 *to prohibitions governing atomic weapons.*

4 *(xxxviii) Section 101 of the Atomic*
5 *Energy Act of 1954 (42 U.S.C. 2131), relat-*
6 *ing to the atomic energy license require-*
7 *ment.*

8 *(xxxix) Section 224 or 225 of the*
9 *Atomic Energy Act of 1954 (42 U.S.C.*
10 *2274, 2275), relating to the communication*
11 *or receipt of restricted data.*

12 *(xl) Section 236 of the Atomic Energy*
13 *Act of 1954 (42 U.S.C. 2284), relating to*
14 *the sabotage of nuclear facilities or fuel.*

15 *(xli) Section 60123(b) of title 49,*
16 *United States Code, relating to damaging*
17 *or destroying a pipeline facility, but only if*
18 *the conduct which led to the conviction in-*
19 *volved a substantial risk of death or serious*
20 *bodily injury.*

21 *(xlii) Section 401(a) of the Controlled*
22 *Substances Act (21 U.S.C. 841), relating to*
23 *manufacturing or distributing a controlled*
24 *substance, but only in the case of a convic-*
25 *tion for an offense described in subpara-*

1 *graphs (A), (B), or (C) of subsection (b)(1)*
2 *of that section for which death or serious*
3 *bodily injury resulted from the use of such*
4 *substance.*

5 *(xliii) Section 276(a) of the Immigra-*
6 *tion and Nationality Act (8 U.S.C. 1326),*
7 *relating to the reentry of a removed alien,*
8 *but only if the alien is described in para-*
9 *graph (1) or (2) of subsection (b) of that*
10 *section.*

11 *(xliv) Any section of the Export Ad-*
12 *ministration Act of 1979 (50 U.S.C. App.*
13 *2401 et seq.).*

14 *(xlv) Section 206 of the International*
15 *Emergency Economic Powers Act (50*
16 *U.S.C. 1705).*

17 *(xlvi) Section 601 of the National Se-*
18 *curity Act of 1947 (50 U.S.C. 3121), relat-*
19 *ing to the protection of identities of certain*
20 *United States undercover intelligence offi-*
21 *cers, agents, informants, and sources.*

22 *(xlvii) An offense described in section*
23 *3559(c)(2)(F) of title 18, United States*
24 *Code, for which the offender was sentenced*
25 *to a term of imprisonment of more than one*

1 year, if the offender has a previous convic-
2 tion, for which the offender served a term of
3 imprisonment of more than one year, for a
4 Federal or State offense, by whatever des-
5 ignation and wherever committed, con-
6 sisting of murder (as described in section
7 1111 of title 18, United States Code), vol-
8 untary manslaughter (as described in sec-
9 tion 1112 of title 18, United States Code),
10 assault with intent to commit murder (as
11 described in section 113(a) of title 18,
12 United States Code), aggravated sexual
13 abuse and sexual abuse (as described in sec-
14 tions 2241 and 2242 of title 18, United
15 States Code), abusive sexual contact (as de-
16 scribed in sections 2244(a)(1) and (a)(2) of
17 title 18, United States Code), kidnapping
18 (as described in chapter 55 of title 18,
19 United States Code), carjacking (as de-
20 scribed in section 2119 of title 18, United
21 States Code), arson (as described in section
22 844(f)(3), (h), or (i) of title 18, United
23 States Code), or terrorism (as described in
24 chapter 113B of title 18, United States
25 Code).

1 *(xlviii) A third or subsequent conviction*
2 *for a drug trafficking offense, unless the*
3 *prisoner did not have a meaningful opportunity*
4 *to participate in the recidivism reduction*
5 *programming described in this title*
6 *for one of the previous convictions.*

7 *(3) RISK REASSESSMENTS AND LEVEL ADJUST-*
8 *MENT.—A prisoner who successfully participates in*
9 *recidivism reduction programming or productive activities*
10 *shall receive periodic risk reassessments not*
11 *less than annually, and prisoners determined to be at*
12 *a greater risk of recidivating and who have less than*
13 *5 years until their projected release date shall receive*
14 *more frequent risk reassessments. If the reassessment*
15 *shows that the prisoner’s risk of recidivating or specific*
16 *needs have changed, the Bureau of Prisons shall*
17 *update the determination of the prisoner’s risk of*
18 *recidivating or information regarding the prisoner’s*
19 *specific needs and reassign the prisoner to appropriate*
20 *recidivism reduction programming or productive*
21 *activities based on such changes.*

22 *(4) RELATION TO OTHER INCENTIVE PRO-*
23 *GRAMS.—The incentives described in this subsection*
24 *shall be in addition to any other rewards or incentives*
25 *for which a prisoner may be eligible.*

1 (f) *PENALTIES.*—*The System shall provide guidelines*
2 *for the Bureau of Prisons to reduce rewards and incentives*
3 *earned under subsection (e) for prisoners who violate pris-*
4 *on, recidivism reduction program, or productive activity*
5 *rules, which shall provide—*

6 (1) *general levels of violations and resulting re-*
7 *ductions;*

8 (2) *that any reduction that includes the for-*
9 *feiture of time credits shall be limited to time credits*
10 *that a prisoner earned as of the date of the prisoner’s*
11 *rule violation, and shall not include any future time*
12 *credits that the prisoner may earn; and*

13 (3) *guidelines for the Bureau of Prisons to estab-*
14 *lish a procedure to restore time credits that a prisoner*
15 *forfeited as a result of a rule violation based on the*
16 *prisoner’s individual progress after the date of the*
17 *rule violation.*

18 (g) *BUREAU OF PRISONS TRAINING.*—*The Attorney*
19 *General shall develop training programs for Bureau of*
20 *Prisons officials and employees responsible for admin-*
21 *istering the System, which shall include—*

22 (1) *initial training to educate employees and of-*
23 *ficials on how to use the System in an appropriate*
24 *and consistent manner, as well as the reasons for*
25 *using the System;*

1 (2) *continuing education; and*

2 (3) *periodic training updates.*

3 (h) *QUALITY ASSURANCE.—In order to ensure that the*
4 *Bureau of Prisons is using the System in an appropriate*
5 *and consistent manner, the Attorney General shall monitor*
6 *and assess the use of the System, which shall include con-*
7 *ducting periodic audits of the Bureau of Prisons regarding*
8 *the use of the System.*

9 **SEC. 104. RECIDIVISM REDUCTION PROGRAM AND PRODUC-**
10 **TIVE ACTIVITY RECOMMENDATIONS.**

11 *The Attorney General shall—*

12 (1) *review the effectiveness of recidivism reduc-*
13 *tion programs and productive activities that exist as*
14 *of the date of the enactment of this title in prisons op-*
15 *erated by the Bureau of Prisons;*

16 (2) *review available information regarding the*
17 *effectiveness of recidivism reduction programs and*
18 *productive activities that exist in State-operated pris-*
19 *ons throughout the United States;*

20 (3) *using evidence-based data, identify the most*
21 *effective recidivism reduction programs;*

22 (4) *review the administrative process for enter-*
23 *ing into recidivism reduction partnerships described*
24 *in section 3621(h)(5) of title 18, United States Code,*
25 *as added by this title; and*

1 (5) *make recommendations to the Bureau of*
2 *Prisons regarding—*

3 (A) *the expansion of programming and ac-*
4 *tivity capacity and the replication of effective*
5 *programs and activities described in paragraph*
6 *(1); and*

7 (B) *the addition of any new effective pro-*
8 *grams and activities that the Attorney General*
9 *finds, using the methods described in section*
10 *102(c), would help to reduce recidivism.*

11 **SEC. 105. REPORT.**

12 *Beginning on the date that is one year after the date*
13 *of the enactment of this Act, and annually thereafter for*
14 *a period of 7 years, the Attorney General shall submit a*
15 *report to the Committees on the Judiciary of the Senate*
16 *and the House of Representatives and the Subcommittees*
17 *on Commerce, Justice, Science, and Related Agencies of the*
18 *Committees on Appropriations of the Senate and the House*
19 *of Representatives that contains the following:*

20 (1) *A summary of the activities and accomplish-*
21 *ments of the Attorney General in carrying out this*
22 *Act.*

23 (2) *A summary and assessment of the types and*
24 *effectiveness of the recidivism reduction programs and*

1 *productive activities in prisons operated by the Bu-*
2 *reau of Prisons, including—*

3 *(A) evidence about which programs and ac-*
4 *tivities have been shown to reduce recidivism;*

5 *(B) the capacity of each program and activ-*
6 *ity at each prison, including the number of pris-*
7 *oners along with the recidivism risk of each pris-*
8 *oner enrolled in each program; and*

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

11 *(3) An assessment of the Bureau of Prisons' com-*
12 *pliance with section 3621(h) of title 18, United States*
13 *Code.*

14 *(4) An assessment of progress made toward car-*
15 *rying out the purposes of this Act, including any sav-*
16 *ings associated with—*

17 *(A) the transfer of prisoners into prerelease*
18 *custody under section 3624(g) of title 18, United*
19 *States Code, as added by this title; and*

20 *(B) any decrease in recidivism that may be*
21 *attributed to the implementation of the System*
22 *or the increase in recidivism reduction programs*
23 *and productive activities required by this title*
24 *and the amendments made by this title.*

1 **SEC. 106. USE OF SYSTEM AND RECOMMENDATIONS BY BU-**
2 **REAU OF PRISONS.**

3 (a) *IMPLEMENTATION OF SYSTEM GENERALLY.*—Sec-
4 *tion 3621 of title 18, United States Code, is amended by*
5 *adding at the end the following:*

6 “(h) *POST-SENTENCING RISK AND NEEDS ASSESS-*
7 *MENT SYSTEM.*—

8 “(1) *IN GENERAL.*—*Not later than 180 days*
9 *after the Attorney General completes and releases the*
10 *Post-Sentencing Risk and Needs Assessment System*
11 *(referred to in this subsection as the ‘System’) devel-*
12 *oped under the Recidivism Risk Reduction Act, the*
13 *Bureau of Prisons shall—*

14 “(A) *implement the System and complete a*
15 *risk and needs assessment for each prisoner (as*
16 *such term is defined in section 107 of the Recidi-*
17 *vism Risk Reduction Act), regardless of the pris-*
18 *oner’s length of imposed term of imprisonment;*
19 *and*

20 “(B) *expand the effective recidivism reduc-*
21 *tion programs (as such term is defined under*
22 *section 107 of the Recidivism Risk Reduction*
23 *Act) and productive activities it offers and add*
24 *any new recidivism reduction programs and*
25 *productive activities necessary to effectively im-*
26 *plement the System, and in accordance with the*

1 *recommendations made by the Attorney General*
2 *under section 104 of that Act and with para-*
3 *graph (2).*

4 “(2) *PHASE-IN.*—*In order to carry out para-*
5 *graph (1), so that every prisoner has the opportunity*
6 *to participate in and complete the kind and amount*
7 *of recidivism reduction programming or productive*
8 *activities necessary to effectively implement the Sys-*
9 *tem and that the Attorney General recommends, the*
10 *Bureau of Prisons shall, subject to the availability of*
11 *appropriations, provide such recidivism reduction*
12 *programs and productive activities—*

13 “(A) *for not less than 20 percent of pris-*
14 *oners before the date that is one year after the*
15 *date on which the Bureau of Prisons completes*
16 *the risk and needs assessments under paragraph*
17 *(1)(A);*

18 “(B) *for not less than 40 percent of pris-*
19 *oners before the date that is 2 years after the*
20 *date on which the Bureau of Prisons completes*
21 *the risk and needs assessments under paragraph*
22 *(1)(A);*

23 “(C) *for not less than 60 percent of pris-*
24 *oners before the date that is 3 years after the*
25 *date on which the Bureau of Prisons completes*

1 *the risk and needs assessments under paragraph*
2 *(1)(A);*

3 *“(D) for not less than 80 percent of pris-*
4 *oners before the date that is 4 years after the*
5 *date on which the Bureau of Prisons completes*
6 *the risk and needs assessments under paragraph*
7 *(1)(A); and*

8 *“(E) for all prisoners before the date that is*
9 *5 years after the date on which the Bureau of*
10 *Prisons completes a risk and needs assessment*
11 *for each prisoner under paragraph (1)(A) and*
12 *thereafter.*

13 *“(3) PRIORITY DURING PHASE-IN.—During the*
14 *phase-in period described in paragraph (2), the pri-*
15 *ority for such programs and activities shall be ac-*
16 *corded based on a prisoner’s proximity to release*
17 *date.*

18 *“(4) PRELIMINARY EXPANSION OF RECIDIVISM*
19 *REDUCTION PROGRAMS AND AUTHORITY TO USE IN-*
20 *CENTIVES.—Beginning on the date of the enactment*
21 *of the Recidivism Risk Reduction Act, the Bureau of*
22 *Prisons may begin to expand any recidivism reduc-*
23 *tion programs and productive activities that exist at*
24 *a prison as of such date, and may offer to prisoners*
25 *who successfully participate in such programming*

1 *and activities the incentives and rewards described in*
2 *103(e) of such Act.*

3 “(5) *RECIDIVISM REDUCTION PARTNERSHIPS.*—
4 *In order to expand recidivism reduction programs*
5 *and productive activities, the Bureau of Prisons shall*
6 *develop policies for the warden of each prison to enter*
7 *into partnerships, subject to the availability of appro-*
8 *priations, with any of the following:*

9 “(A) *Nonprofit and other private organiza-*
10 *tions, including faith-based, art, and commu-*
11 *nity-based organizations that will deliver recidi-*
12 *vism reduction programming on a paid or vol-*
13 *unteer basis.*

14 “(B) *Institutions of higher education (as de-*
15 *finied in section 101 of the Higher Education Act*
16 *of 1965 20 U.S.C. 1001) that will deliver in-*
17 *struction on a paid or volunteer basis.*

18 “(C) *Private entities that will—*

19 “(i) *deliver vocational training and*
20 *certifications;*

21 “(ii) *provide equipment to facilitate*
22 *vocational training or employment opportu-*
23 *nities for prisoners;*

24 “(iii) *employ prisoners; or*

1 “(iv) assist prisoners in prerelease cus-
2 tody or supervised release in finding em-
3 ployment.

4 “(D) Industry-sponsored organizations that
5 will deliver workforce development and training,
6 on a paid or volunteer basis.”.

7 (b) *PRERELEASE CUSTODY.*—

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

10 (A) in subsection (b)(1), by striking “credit
11 for the last year or portion of a year of the term
12 of imprisonment shall be prorated and credited
13 within the last six weeks of the sentence” and in-
14 serting “credit for the last year of a term of im-
15 prisonment shall be credited on the first day of
16 the last year of the term of imprisonment”; and

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

18 “(g) *PRERELEASE CUSTODY FOR RISK AND NEEDS*
19 *ASSESSMENT SYSTEM PARTICIPANTS.*—

20 “(1) *ELIGIBLE PRISONERS.*—

21 “(A) *IN GENERAL.*—This subsection applies
22 in the case of a prisoner (as such term is defined
23 in section 107 of the Recidivism Risk Reduction
24 Act) who—

1 “(i) has earned time credits under the
2 *Post-Sentencing Risk and Needs Assessment*
3 *System developed under the Recidivism*
4 *Risk Reduction Act (referred to in this sub-*
5 *section as the ‘System’)* in an amount that
6 is equal to the remainder of the prisoner’s
7 imposed term of imprisonment;

8 “(ii) has been classified by the warden
9 of the prison as otherwise qualified to be
10 transferred into prerelease custody; and

11 “(iii) except as provided in subpara-
12 graph (B), has not been determined under
13 the System to be more likely than not to
14 recidivate.

15 “(B) EXCEPTION.—

16 “(i) RECONSIDERATION BY WARDEN.—
17 The warden of a prison shall, not later than
18 30 days after receiving from a prisoner who
19 was determined under the System to be
20 more likely than not to recidivate, but who
21 is otherwise eligible for prerelease custody
22 under this subsection, a request for reconsid-
23 eration of the determination under the Sys-
24 tem that the prisoner is more likely than
25 not to recidivate, review such prisoner’s re-

1 *quest, and either submit a recommendation*
2 *under paragraph (2), or notify the prisoner*
3 *in writing that the warden has reviewed the*
4 *prisoner's request and made a determina-*
5 *tion not to submit a recommendation under*
6 *paragraph (2).*

7 “(i) *RECONSIDERATION BY DIREC-*
8 *TOR.—In the case that the warden of a pris-*
9 *on does not submit a recommendation or*
10 *notify a prisoner under clause (i) during*
11 *the time period described in that clause, the*
12 *prisoner may submit such a request for re-*
13 *consideration to the Director of the Bureau*
14 *of Prisons, who shall, not later than 60*
15 *days after receiving such a request, review*
16 *the request, and either submit a rec-*
17 *ommendation under paragraph (2), or no-*
18 *tify the prisoner in writing that the Direc-*
19 *tor has reviewed the prisoner's request and*
20 *made a determination not to submit a rec-*
21 *ommendation under paragraph (2).*

22 “(iii) *SUBMISSION TO COURT.—In the*
23 *case that the Director does not submit a rec-*
24 *ommendation or notify a prisoner under*
25 *clause (ii) during the time period described*

1 *in that clause, the prisoner may submit*
2 *such a request for reconsideration to the*
3 *United States district court in which the*
4 *prisoner was convicted. Upon making a de-*
5 *termination after the review of a request*
6 *under this clause, the court shall submit*
7 *such determination to the Director and to*
8 *the warden.*

9 “(2) *RECOMMENDATION PROCESS.*—

10 “(A) *SUBMISSION OF RECOMMENDATION.*—
11 *The warden of the prison, or the Director of the*
12 *Bureau of Prisons, as applicable, shall submit a*
13 *recommendation that the prisoner be transferred*
14 *into prerelease custody to the United States dis-*
15 *trict court in which the prisoner was convicted.*

16 “(B) *APPROVAL OR DENIAL.*—

17 “(i) *IN GENERAL.*—*Not later than 30*
18 *days after the submission of a recommenda-*
19 *tion under subparagraph (A), a judge for*
20 *such court shall approve or deny the rec-*
21 *ommendation, except that a judge may only*
22 *deny such a recommendation if the judge*
23 *finds by clear and convincing evidence that*
24 *the prisoner should not be transferred into*
25 *prerelease custody based only on evidence of*

1 *the prisoner's actions after the conviction of*
2 *such prisoner and not based on evidence*
3 *from the underlying conviction, and sub-*
4 *mits a detailed written statement regarding*
5 *such finding to the warden of the prison*
6 *who recommended that the prisoner be*
7 *transferred into prerelease custody.*

8 “(ii) *HEARING.—The court may hold a*
9 *hearing in order to make a determination*
10 *under clause (i). The prisoner shall have the*
11 *right to be present at the hearing, which*
12 *right may be satisfied through the use of*
13 *video teleconference.*

14 “(iii) *FAILURE TO DENY TREATED AS*
15 *APPROVAL.—The failure of a judge to ap-*
16 *prove or deny a recommendation to transfer*
17 *at the end of the 30-day period described in*
18 *clause (i) shall be treated as an approval of*
19 *such recommendation.*

20 “(3) *PLACEMENT OF PRISONER IN PRERELEASE*
21 *CUSTODY.—Upon the approval of a recommendation*
22 *under paragraph (2)(B)(i), or 30 days after the war-*
23 *den or the Director submits a recommendation under*
24 *paragraph (2)(A), whichever occurs earlier, the pris-*

1 *oner shall be placed in prerelease custody in accord-*
2 *ance with this subsection.*

3 *“(4) TYPES OF PRERELEASE CUSTODY.—A pris-*
4 *oner may be placed in prerelease custody as follows:*

5 *“(A) HOME CONFINEMENT.—*

6 *“(i) IN GENERAL.—A prisoner placed*
7 *in prerelease custody pursuant to this sub-*
8 *section who is placed in home confinement*
9 *shall—*

10 *“(I) be subject to 24-hour elec-*
11 *tronic monitoring that enables the*
12 *prompt identification of any violation*
13 *of subclause (II);*

14 *“(II) remain in the prisoner’s res-*
15 *idence, except that the prisoner may*
16 *leave the prisoner’s home in order to,*
17 *subject to the approval of the Director*
18 *of the Bureau of Prisons—*

19 *“(aa) perform a job or job-re-*
20 *lated activities, including an ap-*
21 *prenticeship, or participate in*
22 *job-seeking activities;*

23 *“(bb) participate in recidi-*
24 *ivism reduction programming or*

1 productive activities assigned by
2 the System, or similar activities;

3 “(cc) perform community
4 service;

5 “(dd) participate in crime
6 victim restoration activities;

7 “(ee) receive medical treat-
8 ment; or

9 “(ff) attend religious activi-
10 ties; and

11 “(III) comply with such other
12 conditions as the Director determines
13 appropriate.

14 “(ii) *ALTERNATE MEANS OF MONI-*
15 *TORING.*—If the electronic monitoring of a
16 prisoner described in clause (i)(I) is infeasible
17 for technical or religious reasons, the Di-
18 rector of the Bureau of Prisons may use al-
19 ternative means of monitoring a prisoner
20 placed in home confinement that the Direc-
21 tor determines are as effective or more effec-
22 tive than the electronic monitoring described
23 in clause (i)(I).

24 “(iii) *MODIFICATIONS.*—The Director
25 of the Bureau of Prisons may modify the

1 *conditions described in clause (i) if the Di-*
2 *rector determines that a compelling reason*
3 *exists to do so, and that the prisoner has*
4 *demonstrated exemplary compliance with*
5 *such conditions.*

6 “(iv) *DURATION.—Except as provided*
7 *in paragraph (6), a prisoner who is placed*
8 *in home confinement shall remain in home*
9 *confinement until the prisoner has served*
10 *not less than 85 percent of the prisoner’s*
11 *imposed term of imprisonment.*

12 “(B) *COMMUNITY SUPERVISION.—A pris-*
13 *oner placed in prerelease custody pursuant to*
14 *this subsection who is placed on community su-*
15 *pervision—*

16 “(i) *shall be subject to such conditions*
17 *as the Director of the Bureau of Prisons de-*
18 *termines appropriate;*

19 “(ii) *may remain on community su-*
20 *pervision until the conclusion of the pris-*
21 *oner’s sentence; and*

22 “(iii) *may only be placed on commu-*
23 *nity supervision if the duration of the pris-*
24 *oner’s eligibility for community supervision*
25 *is equal to or longer than the duration of*

1 the prisoner's remaining period of
2 prerelease custody.

3 “(C) *RESIDENTIAL REENTRY CENTER.*—A
4 prisoner placed in prerelease custody pursuant
5 to this subsection who is placed at a residential
6 reentry center shall be subject to such conditions
7 as the Director of the Bureau of Prisons deter-
8 mines appropriate.

9 “(5) *DETERMINATION OF CONDITIONS.*—In deter-
10 mining appropriate conditions for prisoners placed in
11 prerelease custody pursuant to this subsection, the Di-
12 rector of the Bureau of Prisons shall, to the extent
13 practicable, provide that increasingly less restrictive
14 conditions shall be imposed on prisoners who dem-
15 onstrate continued compliance with the conditions of
16 such prerelease custody, so as to most effectively pre-
17 pare such prisoners for reentry.

18 “(6) *VIOLATIONS OF CONDITIONS.*—If a prisoner
19 violates a condition of the prisoner's prerelease cus-
20 tody, the Director of the Bureau of Prisons may re-
21 voke the prisoner's prerelease custody and require the
22 prisoner to serve the remainder of the term of impris-
23 onment to which the prisoner was sentenced, or any
24 portion thereof, in prison, or impose such additional
25 conditions on the prisoner's prerelease custody as the

1 *Director of the Bureau of Prisons determines appro-*
2 *priate.*

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

8 “(A) *appropriate type of prerelease custody*
9 *and level of supervision for a prisoner placed on*
10 *prerelease custody pursuant to this subsection;*
11 *and*

12 “(B) *consequences for a violation of a con-*
13 *dition of such prerelease custody by such a pris-*
14 *oner, including a return to prison and a reas-*
15 *essment of recidivism risk level under the Sys-*
16 *tem.*

17 “(8) *AGREEMENTS WITH UNITED STATES PROBA-*
18 *TION AND PRETRIAL SERVICES.—The Director of the*
19 *Bureau of Prisons shall, to the greatest extent prac-*
20 *ticable, enter into agreements with the United States*
21 *Probation and Pretrial Services to supervise prisoners*
22 *placed in home confinement or community super-*
23 *vision under this subsection. Such agreements shall—*

24 “(A) *authorize United States Probation and*
25 *Pretrial Services to exercise the authority grant-*

1 *ed to the Director pursuant to paragraphs (4)*
2 *and (5);*

3 “(B) *take into account the resource require-*
4 *ments of United States Probation and Pretrial*
5 *Services as a result of the transfer of Bureau of*
6 *Prisons prisoners to prerelease custody; and*

7 “(C) *provide for the transfer of such funds*
8 *as may be necessary to comply with such re-*
9 *quirements.*

10 “(9) *ASSISTANCE.—United States Probation and*
11 *Pretrial Services shall, to the greatest extent prac-*
12 *ticable, offer assistance to any prisoner not under its*
13 *supervision during prerelease custody under this sub-*
14 *section.*

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

18 “(h) *ALIEN PRISONERS.—If a prisoner who is placed*
19 *in prerelease custody is an alien whose deportation was or-*
20 *dered as a condition of such prerelease custody or who is*
21 *subject to a detainer filed by United States Immigration*
22 *and Customs Enforcement for the purposes of determining*
23 *the alien’s deportability, United States Immigration and*
24 *Customs Enforcement shall take custody of the alien upon*
25 *the alien’s transfer to prerelease custody.”.*

1 (2) *EFFECTIVE DATE.*—*The amendments made*
2 *by this subsection shall take effect beginning on the*
3 *date that the Attorney General completes and releases*
4 *the Post-Sentencing Risk and Needs Assessment Sys-*
5 *tem.*

6 **SEC. 107. DEFINITIONS.**

7 *In this Act the following definitions apply:*

8 (1) *RISK AND NEEDS ASSESSMENT TOOL.*—*The*
9 *term “risk and needs assessment tool” means an ob-*
10 *jective and statistically validated method through*
11 *which information is collected and evaluated to deter-*
12 *mine—*

13 *(A) the risk that a prisoner will recidivate*
14 *upon release from prison; and*

15 *(B) the recidivism reduction programs that*
16 *will best minimize the risk that the prisoner will*
17 *recidivate upon release from prison.*

18 (2) *RECIDIVISM REDUCTION PROGRAM.*—*The*
19 *term “recidivism reduction program” means either a*
20 *group or individual activity that—*

21 *(A) has been shown by empirical evidence to*
22 *reduce recidivism or is based on research indi-*
23 *cating that it is likely to be effective in reducing*
24 *recidivism;*

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

3 (C) may include—

4 (i) social learning and communication,
5 interpersonal, anti-bullying, rejection re-
6 sponse, and other life skills;

7 (ii) family relationship building, struc-
8 tured parent-child interaction, and par-
9 enting skills;

10 (iii) classes on morals or ethics;

11 (iv) academic classes;

12 (v) cognitive behavioral treatment;

13 (vi) mentoring;

14 (vii) substance abuse treatment;

15 (viii) vocational training;

16 (ix) faith-based classes or services;

17 (x) civic engagement and reintegrative
18 community services;

19 (xi) a prison job; or

20 (xii) victim impact classes or other re-
21 storative justice programs.

22 (3) *PRODUCTIVE ACTIVITY*.—The term “produc-
23 tive activity” means either a group or individual ac-
24 tivity that is designed to allow prisoners determined
25 as having a low or no risk of recidivating to remain

1 *productive and thereby maintain a low or no risk of*
2 *recidivating, and may include the delivery of the pro-*
3 *grams described in paragraph (2) to other prisoners.*

4 (4) *PRISONER.*—*The term “prisoner” means a*
5 *person who has been sentenced to a term of imprison-*
6 *ment pursuant to a conviction for a Federal criminal*
7 *offense, or a person in the custody of the Bureau of*
8 *Prisons, including a person in a Bureau of Prisons*
9 *contracted facility.*

10 (5) *TIME CREDIT.*—*The term “time credit”*
11 *means the equivalent of one day of a prisoner’s sen-*
12 *tence, such that a prisoner shall be eligible for one*
13 *day of prerelease custody for each credit earned.*

14 (6) *DRUG TRAFFICKING OFFENSE.*—*The term*
15 *“drug trafficking offense” means any crime punish-*
16 *able under Federal, State, or local law that prohibits*
17 *the manufacture, import, export, distribution, dis-*
18 *persing of, or offer to sell a controlled substance or*
19 *counterfeit substance (as such terms are defined in*
20 *section 102 of the Controlled Substances Act (21*
21 *U.S.C. 802)) or the possession of a controlled sub-*
22 *stance or counterfeit substance with intent to manu-*
23 *facture, import, export, distribute, or dispense.*

1 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—*There is authorized to be appro-*
3 *priated to carry out this Act \$50,000,000 for each of fiscal*
4 *years 2017 through 2021. Of the amount appropriated*
5 *under this subsection, 80 percent shall be reserved for use*
6 *by the Director of the Bureau of Prisons to implement the*
7 *System under section 106 and the amendments made by*
8 *that section.*

9 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
10 *that any savings associated with reducing recidivism and*
11 *reducing the prison population that result from this title*
12 *should be reinvested into further expansion of recidivism*
13 *reduction programs and productive activities by the Bureau*
14 *of Prisons.*

15 **SEC. 109. RULE OF CONSTRUCTION.**

16 *Nothing in this Act, or the amendments made by this*
17 *Act, may be construed to provide authority to place a pris-*
18 *oner on prerelease custody who is serving a term of impris-*
19 *onment pursuant to a conviction for an offense under the*
20 *laws of one of the 50 States, or of a territory or possession*
21 *of the United States.*

1 **TITLE II—RESTRAINTS ON PREG-**
2 **NANT PRISONERS PROHIB-**
3 **ITED**

4 **SEC. 201. USE OF RESTRAINTS ON PRISONERS DURING THE**
5 **PERIOD OF PREGNANCY AND POSTPARTUM**
6 **RECOVERY PROHIBITED.**

7 (a) *IN GENERAL.*—Chapter 317 of title 18, United
8 States Code, is amended by inserting after section 4321 the
9 following:

10 **“§4322. Use of restraints on prisoners during the pe-**
11 **riod of pregnancy, labor, and postpartum**
12 **recovery prohibited**

13 “(a) *PROHIBITION.*—Except as provided in subsection
14 (b), beginning on the date on which pregnancy is confirmed
15 by a healthcare professional, and ending at the conclusion
16 of postpartum recovery, a prisoner in the custody of the
17 Bureau of Prisons, or in the custody of the United States
18 Marshals Service pursuant to section 4086, shall not be
19 placed in restraints.

20 “(b) *EXCEPTIONS.*—

21 “(1) *IN GENERAL.*—The prohibition under sub-
22 section (a) shall not apply if—

23 “(A) an appropriate corrections official, or
24 a United States marshal, as applicable, makes a
25 determination that the prisoner—

1 “(i) is an immediate and credible
2 flight risk that cannot reasonably be pre-
3 vented by other means; or

4 “(ii) poses an immediate and serious
5 threat of harm to herself or others that can-
6 not reasonably be prevented by other means;
7 or

8 “(B) a health care professional responsible
9 for the health and safety of the prisoner deter-
10 mines that the use of restraints is appropriate
11 for the medical safety of the prisoner.

12 “(2) *LEAST RESTRICTIVE RESTRAINTS.*—*In the*
13 *case that restraints are used pursuant to an exception*
14 *under paragraph (1), only the least restrictive re-*
15 *straints necessary to prevent the harm or risk of es-*
16 *cape described in paragraph (1) may be used.*

17 “(3) *APPLICATION.*—

18 “(A) *IN GENERAL.*—*The exceptions under*
19 *paragraph (1) may not be applied—*

20 “(i) *to place restraints around the an-*
21 *kles, legs, or waist of a prisoner;*

22 “(ii) *to restrain a prisoner’s hands be-*
23 *hind her back;*

24 “(iii) *to restrain a prisoner using four-*
25 *point restraints; or*

1 “(iv) to attach a prisoner to another
2 prisoner.

3 “(B) *MEDICAL REQUEST*.—Notwithstanding
4 paragraph (1), upon the request of a healthcare
5 professional who is responsible for the health and
6 safety of a prisoner, a corrections official or
7 United States marshal, as applicable, shall re-
8 frain from using restraints on the prisoner or re-
9 move restraints used on the prisoner.

10 “(c) *REPORTS*.—

11 “(1) *REPORT TO THE DIRECTOR AND*
12 *HEALTHCARE PROFESSIONAL*.—If a corrections offi-
13 cial or United States marshal uses restraints on a
14 prisoner under subsection (b)(1), that official or mar-
15 shal shall submit, not later than 30 days after placing
16 the prisoner in restraints, to the Director of the Bu-
17 reau of Prisons or the Director of the United States
18 Marshals Service, as applicable, and to the healthcare
19 professional responsible for the health and safety of
20 the prisoner, a written report which describes the
21 facts and circumstances surrounding the use of re-
22 straints, and includes—

23 “(A) the reasoning upon which the deter-
24 mination to use restraints was made;

1 “(B) the details of the use of restraints, in-
2 cluding the type of restraints used and length of
3 time during which restraints were used; and

4 “(C) any resulting physical effects on the
5 prisoner observed by or known to the corrections
6 official or United States marshal, as applicable.

7 “(2) SUPPLEMENTAL REPORT TO THE DIREC-
8 TOR.—Upon receipt of a report under subsection
9 (c)(1), the healthcare professional responsible for the
10 health and safety of the prisoner may submit to the
11 Director such information as the healthcare profes-
12 sional determines is relevant to the use of restraints
13 on the prisoner.

14 “(3) REPORT TO JUDICIARY COMMITTEES.—

15 “(A) IN GENERAL.—Not later than 1 year
16 after the date of enactment of this Act, and an-
17 nually thereafter, the Director of the Bureau of
18 Prisons and the Director of the United States
19 Marshals Service shall each submit to the Judici-
20 ary Committee of the Senate and of the House
21 of Representatives a report that certifies compli-
22 ance with this section and includes the informa-
23 tion required to be reported under paragraph
24 (1).

1 “(B) *PERSONALLY IDENTIFIABLE INFORMA-*
2 *TION.—The report under this paragraph shall*
3 *not contain any personally identifiable informa-*
4 *tion of any prisoner.*

5 “(d) *NOTICE.—Not later than 48 hours after the con-*
6 *firmation of a prisoner’s pregnancy by a health care profes-*
7 *sional, that prisoner shall be notified by an appropriate*
8 *health care professional, corrections official, or United*
9 *States marshal, as applicable, of the restrictions on the use*
10 *of restraints under this section.*

11 “(e) *VIOLATION REPORTING PROCESS.—The Director*
12 *of the Bureau of Prisons, in consultation with the Director*
13 *of the United States Marshals Service, shall establish a*
14 *process through which a prisoner may report a violation*
15 *of this section.*

16 “(f) *TRAINING.—*

17 “(1) *IN GENERAL.—The Director of the Bureau*
18 *of Prisons and the Director of the United States Mar-*
19 *shals Service shall each develop training guidelines*
20 *regarding the use of restraints on female prisoners*
21 *during the period of pregnancy, labor, and*
22 *postpartum recovery, and shall incorporate such*
23 *guidelines into appropriate training programs. Such*
24 *training guidelines shall include—*

1 “(A) *how to identify certain symptoms of*
2 *pregnancy that require immediate referral to a*
3 *health care professional;*

4 “(B) *circumstances under which the excep-*
5 *tions under subsection (b) would apply;*

6 “(C) *in the case that an exception under*
7 *subsection (b) applies, how to apply restraints in*
8 *a way that does not harm the prisoner, the fetus,*
9 *or the neonate;*

10 “(D) *the information required to be re-*
11 *ported under subsection (c); and*

12 “(E) *the right of a health care professional*
13 *to request that restraints not be used, and the re-*
14 *quirement under subsection (b)(3)(B) to comply*
15 *with such a request.*

16 “(2) *DEVELOPMENT OF GUIDELINES.—In devel-*
17 *oping the guidelines required by paragraph (1), the*
18 *Directors shall each consult with health care profes-*
19 *sionals with expertise in caring for women during the*
20 *period of pregnancy and postpartum recovery.*

21 “(g) *DEFINITIONS.—For purposes of this section:*

22 “(1) *The term ‘postpartum recovery’ means the*
23 *six-week period, or longer as determined by the*
24 *healthcare professional responsible for the health and*
25 *safety of the prisoner, following delivery, and shall in-*

1 *clude the entire period that the prisoner is in the hos-*
 2 *pital or infirmary.*

3 *“(2) The term ‘restraints’ means any physical or*
 4 *mechanical device used to control the movement of a*
 5 *prisoner’s body, limbs, or both.*

6 *“(3) The term ‘prisoner’ means a person who has*
 7 *been sentenced to a term of imprisonment pursuant to*
 8 *a conviction for a Federal criminal offense, or a per-*
 9 *son in the custody of the Bureau of Prisons, including*
 10 *a person in a Bureau of Prisons contracted facility.”.*

11 *(b) CLERICAL AMENDMENT.—The table of sections at*
 12 *the beginning of chapter 317 of title 18, United States Code,*
 13 *is amended by adding after the item relating to section 4321*
 14 *the following:*

*“4322. Use of restraints on prisoners during the period of pregnancy, labor, and
 postpartum recovery prohibited.”.*

15 **TITLE III—BUREAU OF PRISONS**
 16 **USE OF OLEORESIN CAP-**
 17 **SICUM SPRAY**

18 **SEC. 301. SHORT TITLE.**

19 *This title may be cited as the “Eric Williams Correc-*
 20 *tional Officer Protection Act of 2016”.*

1 **SEC. 302. OFFICERS AND EMPLOYEES OF THE BUREAU OF**
2 **PRISONS AUTHORIZED TO CARRY OLEORESIN**
3 **CAPSICUM SPRAY.**

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

6 **“§4049. Officers and employees of the Bureau of Pris-**
7 **ons authorized to carry oleoresin cap-**
8 **sicum spray**

9 “(a) *IN GENERAL.*—The Director of the Bureau of
10 Prisons shall issue, on a routine basis, oleoresin capsicum
11 spray to—

12 “(1) any officer or employee of the Bureau of
13 Prisons who—

14 “(A) is employed in a prison that is not a
15 minimum or low security prison; and

16 “(B) may respond to an emergency situa-
17 tion in such a prison; and

18 “(2) to such additional officers and employees of
19 prisons as the Director determines appropriate, in ac-
20 cordance with this section.

21 “(b) *TRAINING REQUIREMENT.*—

22 “(1) *IN GENERAL.*—In order for an officer or
23 employee of the Bureau of Prisons, including a cor-
24 rectional officer, to be eligible to receive and carry ole-
25 oresin capsicum spray pursuant to this section, the
26 officer or employee shall complete a training course

1 *before being issued such spray, and annually there-*
2 *after, on the use of oleoresin capsicum spray.*

3 “(2) *TRANSFERABILITY OF TRAINING.*—*An offi-*
4 *cer or employee of the Bureau of Prisons who com-*
5 *pletes a training course pursuant to paragraph (1)*
6 *and subsequently transfers to employment at a dif-*
7 *ferent prison, shall not be required to complete an ad-*
8 *ditional training course solely due such transfer.*

9 “(3) *TRAINING CONDUCTED DURING REGULAR*
10 *EMPLOYMENT.*—*An officer or employee of the Bureau*
11 *of Prisons who completes a training course required*
12 *under paragraph (1) shall do so during the course of*
13 *that officer or employee’s regular employment, and*
14 *shall be compensated at the same rate that the officer*
15 *or employee would be compensated for conducting the*
16 *officer or employee’s regular duties.*

17 “(c) *USE OF OLEORESIN CAPSICUM SPRAY.*—*Officers*
18 *and employees of the Bureau of Prisons issued oleoresin*
19 *capsicum spray pursuant to subsection (a) may use such*
20 *spray to reduce acts of violence—*

21 “(1) *committed by prisoners against themselves,*
22 *other prisoners, prison visitors, and officers and em-*
23 *ployees of the Bureau of Prisons; and*

1 “(2) committed by prison visitors against them-
2 selves, prisoners, other visitors, and officers and em-
3 ployees of the Bureau of Prisons.”.

4 (b) *CLERICAL AMENDMENT.*—The table of sections for
5 chapter 303 of title 18, United States Code, is amended by
6 inserting after the item relating to section 4048 the fol-
7 lowing:

 “4049. Officers and employees of the Bureau of Prisons authorized to carry oleo-
 resin capsicum spray.”.

8 **SEC. 303. GAO REPORT.**

9 Not later than the date that is 3 years after the date
10 on which the Director of the Bureau of Prisons begins to
11 issue oleoresin capsicum spray to officers and employees of
12 the Bureau of Prisons pursuant to section 4049 of title 18,
13 United States Code (as added by this title), the Comptroller
14 General of the United States shall submit to Congress a re-
15 port that includes the following:

16 (1) An evaluation of the effectiveness of issuing
17 oleoresin capsicum spray to officers and employees of
18 the Bureau of Prisons in prisons that are not min-
19 imum or low security prisons on—

20 (A) reducing crime in such prisons; and

21 (B) reducing acts of violence committed by
22 prisoners against themselves, other prisoners,
23 prison visitors, and officers and employees of the
24 Bureau of Prisons in such prisons.

1 (2) *An evaluation of the advisability of issuing*
2 *oleoresin capsicum spray to officers and employees of*
3 *the Bureau of Prisons in prisons that are minimum*
4 *or low security prisons, including—*

5 (A) *the effectiveness that issuing such spray*
6 *in such prisons would have on reducing acts of*
7 *violence committed by prisoners against them-*
8 *selves, other prisoners, prison visitors, and offi-*
9 *cers and employees of the Bureau of Prisons in*
10 *such prisons; and*

11 (B) *the cost of issuing such spray in such*
12 *prisons.*

13 (3) *Recommendations to improve the safety of of-*
14 *icers and employees of the Bureau of Prisons in pris-*
15 *ons.*

16 **TITLE IV—BUREAU OF PRISONS**
17 **SECURE FIREARMS STORAGE**

18 **SEC. 401. SHORT TITLE.**

19 *This title may be cited as the “Lieutenant Osvaldo*
20 *Albarati Correctional Officer Self-Protection Act of 2016”.*

21 **SEC. 402. FINDINGS.**

22 *Congress finds that—*

23 (1) *the Law Enforcement Officers Safety Act of*
24 *2004 (Public Law 108–277; 118 Stat. 865) gives cer-*
25 *tain law enforcement officers, including certain cor-*

1 *rectional officers of the Bureau of Prisons, the right*
2 *to carry a concealed firearm in all 50 States for self-*
3 *protection;*

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

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

10 *(4) while that Act allows certain law enforce-*
11 *ment officers to protect themselves off duty, the Direc-*
12 *tor of the Bureau of Prisons allows correctional offi-*
13 *cers of the Bureau of Prisons to securely store per-*
14 *sonal firearms at only 33 Federal penal and correc-*
15 *tional institutions while at work.*

16 **SEC. 403. SECURE FIREARMS STORAGE.**

17 *(a) IN GENERAL.—Chapter 303 of title 18, United*
18 *States Code, as amended by this Act, is further amended*
19 *by adding at the end the following:*

20 **“§ 4050. Secure firearms storage**

21 *“(a) DEFINITIONS.—In this section—*

22 *“(1) the term ‘employee’ means a qualified law*
23 *enforcement officer employed by the Bureau of Pris-*
24 *ons; and*

1 “(2) the terms ‘firearm’ and ‘qualified law en-
2 forcement officer’ have the meanings given those terms
3 under section 926B.

4 “(b) *SECURE FIREARMS STORAGE*.—The Director of
5 the Bureau of Prisons shall ensure that each chief executive
6 officer of a Federal penal or correctional institution—

7 “(1)(A) provides a secure storage area located
8 outside of the secure perimeter of the institution for
9 employees to store firearms; or

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

13 “(2) notwithstanding any other provision of law,
14 allows employees to carry concealed firearms on the
15 premises outside of the secure perimeter of the institu-
16 tion.”.

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

 “4050. Secure firearms storage.”.

21 **TITLE V—MISCELLANEOUS**

22 **SEC. 501. DE-ESCALATION TRAINING.**

23 Beginning not later than 1 year after the date of the
24 enactment of this Act, the Director of the Bureau of Prisons
25 shall incorporate into training programs provided to offi-

1 *cers and employees of the Bureau of Prisons (including offi-*
 2 *cers and employees of an organization with which the Bu-*
 3 *reau of Prisons has a contract to provide services relating*
 4 *to imprisonment) specialized and comprehensive training*
 5 *in procedures to—*

6 (1) *de-escalate encounters between a law enforce-*
 7 *ment officer or an officer or employee of the Bureau*
 8 *of Prisons, and a civilian or a prisoner (as such term*
 9 *is defined in section 107 of this Act); and*

10 (2) *identify and appropriately respond to inci-*
 11 *dents that involve the unique needs of individuals who*
 12 *have a mental illness or cognitive deficit.*

13 **SEC. 502. MEDICATION-ASSISTED TREATMENT FOR OPIOID**
 14 **AND HEROIN ABUSE.**

15 (a) **REPORT ON MEDICATION-ASSISTED TREATMENT**
 16 **FOR OPIOID AND HEROIN ABUSE.**—*Not later than 90 days*
 17 *after the date of the enactment of this Act, the Director of*
 18 *the Bureau of Prisons shall submit to the Committees on*
 19 *the Judiciary and the Committees on Appropriations of the*
 20 *Senate and of the House of Representatives a report assess-*
 21 *ing the availability of and the capacity of the Bureau of*
 22 *Prisons to treat heroin and opioid abuse through medica-*
 23 *tion-assisted treatment. The report shall include a descrip-*
 24 *tion of plans to expand access to medication-assisted treat-*
 25 *ment for heroin and opioid abuse for prisoners in appro-*

1 *priate cases. Following submission, the Director shall take*
2 *steps to implement these plans.*

3 **(b) REPORT ON THE AVAILABILITY OF MEDICATION-**
4 *ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,*
5 *AND IMPLEMENTATION THEREOF.—Not later than 90 days*
6 *after the date of the enactment of this Act, the Director of*
7 *the Administrative Office of the United States Courts shall*
8 *submit to the Committees on the Judiciary and the Com-*
9 *mittees on Appropriations of the Senate and of the House*
10 *of Representatives a report assessing the availability of and*
11 *capacity for the provision of medication-assisted treatment*
12 *for opioid and heroin abuse by treatment-service providers*
13 *serving prisoners who are serving a term of supervised re-*
14 *lease, and including a description of plans to expand access*
15 *to medication assisted treatment for heroin and opioid*
16 *abuse whenever appropriate among prisoners under super-*
17 *vised release. Following submission, the Director will take*
18 *steps to implement these plans.*

19 **SEC. 503. MONITORING OF ELECTRONIC COMMUNICATIONS**
20 **BETWEEN PRISONER AND ATTORNEY.**

21 **(a) PROHIBITION ON MONITORING.—Not later than**
22 *180 days after the date of the enactment of this Act, the*
23 *Attorney General shall modify any program or system*
24 *through which a prisoner (as such term is defined in section*
25 *107) sends or receives an electronic communication (as such*

1 term is defined in section 2510 of title 18, United States
2 Code, and including the Trust Fund Limited Inmate Com-
3 puter System) to exclude from monitoring the contents (as
4 such term is defined in section 2510 of title 18, United
5 States Code) of an electronic communication between a
6 prisoner in a Bureau of Prisons facility and his or her at-
7 torney or other legal representative.

8 (b) *RETENTION OF CONTENTS.*—The modification re-
9 quired under subsection (a) may allow for the retention of
10 the contents of the electronic communications described in
11 subsection (a).

12 (c) *EXCEPTION.*—If a court of competent jurisdiction
13 determines that there is sufficient evidence to support a rea-
14 sonable belief of the Government that the information con-
15 tained in an electronic communication described in sub-
16 section (a) was for the purpose of perpetrating a fraud or
17 crime, an in camera review of the contents of the commu-
18 nication may be conducted.

19 **SEC. 504. PILOT PROGRAMS.**

20 (a) *IN GENERAL.*—The Bureau of Prisons shall estab-
21 lish each of the following pilot programs for 2 years, in
22 at least 10 facilities:

23 (1) *MENTORSHIP FOR YOUTH.*—A program to
24 pair youth with volunteers from faith-based or com-
25 munity organizations, which may include formerly

1 *incarcerated offenders, that have relevant experience*
2 *or expertise in mentoring, and a willingness to serve*
3 *as a mentor in such a capacity.*

4 (2) *SERVICE TO ABANDONED, RESCUED, OR OTH-*
5 *ERWISE VULNERABLE ANIMALS.—A program to equip*
6 *prisoners with the skills to provide training and ther-*
7 *apy to animals seized by Federal law enforcement*
8 *under asset forfeiture authority and to organizations*
9 *that provide shelter and similar services to aban-*
10 *doned, rescued, or otherwise vulnerable animals.*

11 (b) *REPORTING REQUIREMENT.—Not later than one*
12 *year after the conclusion of the pilot programs, the Attorney*
13 *General shall report to Congress on the results of the pilot*
14 *programs under this section. Such report shall include cost*
15 *savings, numbers of participants, and information about*
16 *recidivism rates among participants.*

17 (c) *DEFINITION.—In this title, the term “youth”*
18 *means a prisoner (as such term is defined in section 107)*
19 *who was 21 years of age or younger at the time of the com-*
20 *mission or alleged commission of the criminal offense for*
21 *which the individual is being prosecuted or serving a term*
22 *of imprisonment, as the case may be.*

1 **SEC. 505. ENSURING SUPERVISION OF RELEASED SEXU-**
2 **ALLY DANGEROUS PERSONS.**

3 (a) *PROBATION OFFICERS.*—Section 3603 of title 18,
4 *United States Code*, is amended in paragraph (8)(A) by
5 striking “or 4246” and inserting “, 4246, or 4248”.

6 (b) *PRETRIAL SERVICES OFFICERS.*—Section 3154 of
7 *title 18, United States Code*, is amended in paragraph
8 (12)(A) by striking “or 4246” and inserting “, 4246, or
9 4248”.

10 **SEC. 506. DATA COLLECTION.**

11 (a) *NATIONAL PRISONER STATISTICS PROGRAM.*—Be-
12 ginning not later than one year after the date of the enact-
13 ment of this Act, and annually thereafter, pursuant to the
14 authority under section 302 of the Omnibus Crime Control
15 and Safe Streets Act of 1968 (42 U.S.C. 3732), the Director
16 of the Bureau of Justice Statistics, with information that
17 shall be provided by the Director of the Bureau of Prisons,
18 shall include in the National Prisoner Statistics Program
19 the following:

20 (1) *The number of prisoners (as such term is de-*
21 *finied in section 107 of this Act) who are veterans of*
22 *the Armed Forces of the United States.*

23 (2) *The number of prisoners who have been*
24 *placed in solitary confinement at any time during the*
25 *previous year.*

1 (3) *The number of female prisoners known by the*
2 *Bureau of Prisons to be pregnant, as well as the out-*
3 *comes of such pregnancies, including information on*
4 *pregnancies that result in live-birth, still-birth, mis-*
5 *carriage, abortion, ectopic pregnancy, maternal death,*
6 *neonatal death, and preterm birth.*

7 (4) *The numbers of prisoners who volunteered to*
8 *participate in a substance abuse treatment program,*
9 *and the number of prisoners who have participated in*
10 *such a program.*

11 (5) *The number of prisoners provided methadone*
12 *or buprenorphine while in custody in order to man-*
13 *age withdrawal or to continually treat substance de-*
14 *pendence and abuse.*

15 (6) *The number of prisoners who were receiving*
16 *methadone or buprenorphine therapy prior to the*
17 *commencement of their term of imprisonment.*

18 (7) *The number of prisoners who are the parent*
19 *or guardian of a minor child.*

20 (8) *The numbers of prisoners who are single,*
21 *married, or otherwise in a committed relationship.*

22 (9) *The number of prisoners who have not*
23 *achieved a GED, high school diploma, or equivalent*
24 *prior to entering prison.*

1 (10) *The number of prisoners who, during the*
2 *previous year, received their GED or other equivalent*
3 *certificate while incarcerated.*

4 (11) *The numbers of prisoners for whom English*
5 *is a second language.*

6 (12) *The number of incidents, during the pre-*
7 *vious year, in which restraints were used on a female*
8 *prisoner during pregnancy, labor, or postpartum re-*
9 *covery, as well as information relating to the type of*
10 *restraints used, and the circumstances under which*
11 *each incident occurred.*

12 (13) *The vacancy rate for medical and health*
13 *care staff positions, and average length of such a va-*
14 *cancy.*

15 (14) *The number of facilities that operated, at*
16 *any time during the previous year, without at least*
17 *one clinical nurse, certified paramedic, or licensed*
18 *physician on-site.*

19 (15) *The number of facilities that during the*
20 *previous year were accredited by the American Cor-*
21 *rectional Association.*

22 (16) *The number and type of recidivism reduc-*
23 *tion partnerships described in section 3621(h)(5) of*
24 *title 18, United States Code, entered into by each fa-*
25 *cility.*

1 (A) in paragraph (1)(B) by inserting after
2 “the Attorney General may” the following: “,
3 upon written request from the Director of the
4 Bureau of Prisons or an eligible elderly of-
5 fender,”.

6 (B) in paragraph (3), by striking “carried
7 out during fiscal years 2009 and 2010” and in-
8 serting “carried out during fiscal years 2016
9 through 2020”; and

10 (C) in paragraph (5)(A)(ii), by striking
11 “the greater of 10 years or”;

12 (2) by striking subsection (h);

13 (3) by redesignating subsection (i) as subsection
14 (h); and

15 (4) in subsection (h), as so redesignated, by
16 striking “2009 and 2010” and inserting “2016
17 through 2020”.

18 (b) *MODIFICATION OF IMPOSED TERM OF IMPRISON-*
19 *MENT.*— Section 3582(c)(1)(A) of title 18, United States
20 Code, is amended—

21 (1) in the matter preceding clause (i), by insert-
22 ing after “Director of the Bureau of Prisons” the fol-
23 lowing: “or, if the Director does not make such a mo-
24 tion 30 days after receiving a request to make such
25 a motion from the defendant, of the defendant”; and

1 (2) *in clause (ii), by inserting after “the Direc-*
2 *tor of the Bureau of Prisons” the following: “, or the*
3 *court in the case that the court is considering a mo-*
4 *tion of the defendant”.*

5 **SEC. 508. RELEASE COORDINATION.**

6 (a) *DESIGNATION OF RELEASE PREPARATION COORDI-*
7 *NATOR.—The Director of the Bureau of Prisons shall des-*
8 *ignate one officer or employee of the Bureau of Prisons at*
9 *each facility that houses prisoners, as the release prepara-*
10 *tion coordinator, who shall be responsible for determining*
11 *the general release needs of the prisoner population and de-*
12 *veloping and implementing an institution release prepara-*
13 *tion program to address those needs.*

14 (b) *RELEASE PLAN.—Each prisoner shall develop a*
15 *comprehensive release plan in conjunction with an institu-*
16 *tion release preparation program, with individualized as-*
17 *sistance from an officer or employee of the Bureau of Pris-*
18 *ons who is dedicated to and experienced in release prepara-*
19 *tion, including employment and housing counseling.*

Amend the title so as to read: “A bill to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, to provide restrictions on the use of restraints on pregnant prisoners, to provide additional safety measures for officers and employees of the Bureau of Prisons, and for other purposes.”.

Union Calendar No. 704

114TH CONGRESS
2^D Session

H. R. 759

[Report No. 114-894]

A BILL

To enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction.

DECEMBER 23, 2016

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed