

1 (1) develop a prisoner risk and needs assess-
2 ment system in accordance with section 103;

3 (2) develop recommendations regarding recidi-
4 vism reduction programs and productive activities in
5 accordance with section 104;

6 (3) conduct ongoing research and data analysis
7 on—

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

10 (B) the best available risk and needs as-
11 sessment tools and the level to which they rely
12 on dynamic risk factors that could be addressed
13 and changed over time, and on measures of risk
14 of recidivism, individual needs, and responsivity
15 to recidivism reduction programs;

16 (C) the most effective and efficient uses of
17 such tools in conjunction with recidivism reduc-
18 tion programs, productive activities, incentives,
19 and rewards; and

20 (D) which recidivism reduction programs
21 are the most effective for addressing the spe-
22 cific criminogenic needs of prisoners, and how
23 much programming is appropriate to most ef-
24 fectively reduce the risk of recidivism for pris-
25 oners with different risks of recidivating;

1 ment System” (referred to in this Act as the “System”),
2 which shall provide risk and needs assessment tools (devel-
3 oped under subsection (b)) in order to, for each prisoner—

4 (1) determine the recidivism risk of each pris-
5 oner as part of the intake process, ensuring that the
6 recidivism risk metric distinguishes the different
7 rates of failure;

8 (2) assign the prisoner to appropriate recidi-
9 vism reduction programs or productive activities
10 based on that determination, the prisoner’s specific
11 criminogenic needs, and in accordance with sub-
12 section (c);

13 (3) reassess the recidivism risk of each prisoner
14 periodically using an appropriate reassessment tool
15 described in subsection (b)(1)(B), and reassign the
16 prisoner to appropriate recidivism reduction pro-
17 grams or productive activities based on the revised
18 determination, the specific criminogenic needs of the
19 prisoner, and the successful completion of recidivism
20 reduction programs in accordance with subsection
21 (e); and

22 (4) determine when a prisoner is ready to
23 transfer into prerelease custody in accordance with
24 section 3624(g) of title 18, United States Code, as
25 added by this title.

1 (b) RISK AND NEEDS ASSESSMENT TOOLS.—

2 (1) IN GENERAL.—The Attorney General
3 shall—

4 (A) adapt the Federal Post Conviction
5 Risk Assessment Tool developed and utilized by
6 the Administrative Office of the United States
7 Courts in order to develop suitable risk and
8 needs assessment tools to be used in the System
9 developed under subsection (a) by using the re-
10 search and data analysis required to be con-
11 ducted under section 102(b)(3) on the best
12 available risk and needs assessment tools avail-
13 able as of the date of the enactment of this Act,
14 and determining, using the methods required
15 under section 102(c), how to make the most ef-
16 fective and efficient tools to accomplish for each
17 prisoner, the assessments, assignments, and re-
18 assessments described in paragraphs (1)
19 through (3) of subsection (a); and

20 (B) ensure that the risk and needs assess-
21 ment tool to be used in the reassessments de-
22 scribed in subsection (a)(3) measures and uses
23 dynamic risk factors, indicators of progress,
24 and of regression, including newly acquired

1 skills and changes in attitude and behavior over
2 time.

3 (2) VALIDATION ON PRISONERS.—In carrying
4 out this subsection, the Attorney General shall sta-
5 tistically validate any tools that the Attorney Gen-
6 eral selects for use in the System on the Federal
7 prison population, or ensure that the tools have been
8 so validated.

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

12 (A) regularly evaluating rates of recidivism
13 among similarly classified prisoners to identify
14 any unwarranted disparities in such rates, in-
15 cluding disparities among similarly classified
16 prisoners of different demographic groups; and

17 (B) adjusting the System to reduce such
18 disparities to the greatest extent possible.

19 (c) ASSIGNMENT OF RECIDIVISM REDUCTION PRO-
20 GRAMS.—The System shall provide guidance on the kind
21 and amount of recidivism reduction programming or pro-
22 ductive activities that should be assigned for each prisoner
23 and shall provide—

24 (1) that the higher a prisoner's risk of
25 recidivating, the more programming the prisoner

1 shall participate in, according to the prisoner's spe-
2 cific criminogenic needs;

3 (2) information on the best ways that the Bu-
4 reau of Prisons can tailor the programs to the spe-
5 cific criminogenic needs of each prisoner so as to
6 best lower each prisoner's risk of recidivating; and

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

10 (d) HOUSING ASSIGNMENT.—The System shall pro-
11 vide guidance on grouping and housing assignment deter-
12 minations and, after accounting for the safety of each pris-
13 oner and other individuals at the prison, provide that pris-
14 oners with a similar risk of recidivating be grouped and
15 housed together to the extent practicable.

16 (e) RECIDIVISM REDUCTION PROGRAM AND PRODUC-
17 TIVE ACTIVITY INCENTIVES AND REWARDS.—The System
18 shall provide incentives and rewards for prisoners to par-
19 ticipate in and complete recidivism reduction programs
20 and productive activities as follows:

21 (1) FAMILY PHONE AND VISITATION PRIVI-
22 LEGES.—A prisoner who is successfully participating
23 in a recidivism reduction program or a productive
24 activity shall receive, for use with family (including

1 extended family), close friends, mentors, and reli-
2 gious leaders—

3 (A) phone privileges, or, if available, video
4 conferencing privileges, for up to 30 minutes
5 per day, and up to 900 minutes per month; and

6 (B) additional time for visitation at the
7 prison, as determined by the warden of the pris-
8 on.

9 (2) TIME CREDITS.—

10 (A) IN GENERAL.—A prisoner shall earn
11 10 days of time credits for each 30 days that
12 the prisoner successfully participates in a re-
13 cidivism reduction program or productive activ-
14 ity, except that—

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

24 (ii) a prisoner who has a low or no
25 risk of recidivism and who has been deter-

1 mined, over two consecutive reassessments,
2 not to have increased their risk of recidi-
3 vism, shall earn an additional 5 days of
4 time credits for each 30 days that the pris-
5 oner successfully participates in a recidi-
6 vism reduction program or productive ac-
7 tivity.

8 (B) AVAILABILITY.—A prisoner may not
9 earn time credits under this paragraph for a re-
10 cidivism reduction program or productive activ-
11 ity that the prisoner successfully participated
12 in—

13 (i) prior to the date of the enactment
14 of this Act; or

15 (ii) during official detention prior to
16 the date that the prisoner's sentence com-
17 mences under section 3585(a) of title 18,
18 United States Code.

19 (C) INELIGIBLE PRISONERS.—A prisoner
20 serving a sentence as a result of a conviction
21 for an offense under any of the following provi-
22 sions of law shall be ineligible to receive time
23 credits:

1 (i) Section 113(a)(1) of title 18,
2 United States Code, relating to assault
3 with intent to commit murder.

4 (ii) Section 115 of title 18, United
5 States Code, relating to influencing, im-
6 peding, or retaliating against a Federal of-
7 ficial by injuring a family member, except
8 for a threat made in violation of that sec-
9 tion.

10 (iii) Any section of chapter 10 of title
11 18, United States Code, relating to biologi-
12 cal weapons.

13 (iv) Any section of chapter 11B of
14 title 18, United States Code, relating to
15 chemical weapons.

16 (v) Section 351 of title 18, United
17 States Code, relating to Congressional,
18 Cabinet, and Supreme Court assassination,
19 kidnapping, and assault.

20 (vi) Section 793 of title 18, United
21 States Code, relating to gathering, trans-
22 mitting, or losing defense information.

23 (vii) Section 794 of title 18, United
24 States Code, relating to gathering or deliv-

1 ering defense information to aid a foreign
2 government.

3 (viii) Any section of chapter 39,
4 United States Code, relating to explosives
5 and other dangerous articles, except for
6 section 836 (relating to the transportation
7 of fireworks into a State prohibiting sale
8 or use).

9 (ix) Section 842(p) of title 18, United
10 States Code, relating to distribution of in-
11 formation relating to explosive, destructive
12 devices, and weapons of mass destruction,
13 but only if the conviction involved a weap-
14 on of mass destruction (as defined in sec-
15 tion 2332a(c)(2) of such title).

16 (x) Subsections (f)(3), (h), or (i) of
17 section 844 of title 18, United States
18 Code, relating to the use of fire or an ex-
19 plosive.

20 (xi) Section 924(e) of title 18, United
21 States Code, relating to unlawful posses-
22 sion of a firearm by a person with 3 or
23 more convictions for a violent felony or a
24 serious drug offense.

1 (xii) Section 1030(a)(1) of title 18,
2 United States Code, relating to fraud and
3 related activity in connection with com-
4 puters.

5 (xiii) Any section of chapter 51 of
6 title 18, United States Code, relating to
7 homicide, except for section 1112 (relating
8 to manslaughter), 1113 (relating to at-
9 tempt to commit murder or manslaughter,
10 but only if the conviction was for an at-
11 tempt to commit manslaughter), 1115 (re-
12 lating to misconduct or neglect of ship offi-
13 cers), or 1122 (relating to protection
14 against the human immunodeficiency
15 virus).

16 (xiv) Any section of chapter 55 of title
17 18, United States Code, relating to kidnap-
18 ping.

19 (xv) Any offense under chapter 77 of
20 title 18, United States Code, relating to
21 peonage, slavery, and trafficking in per-
22 sons, except for sections 1592 through
23 1596.

24 (xvi) Section 1751 of title 18, United
25 States Code, relating to Presidential and

1 Presidential staff assassination, kidnap-
2 ping, and assault.

3 (xvii) Section 1841(a)(2)(C) of title
4 18, United States Code, relating to inten-
5 tionally killing or attempting to kill an un-
6 born child.

7 (xviii) Section 1992 of title 18, United
8 States Code, relating to terrorist attacks
9 and other violence against railroad carriers
10 and against mass transportation systems
11 on land, on water, or through the air.

12 (xix) Section 2113(e) of title 18,
13 United States Code, relating to bank rob-
14 bery resulting in death.

15 (xx) Section 2118(c)(2) of title 18,
16 United States Code, relating to robberies
17 and burglaries involving controlled sub-
18 stances resulting in death.

19 (xxi) Section 2119(3) of title 18,
20 United States Code, relating to taking a
21 motor vehicle (commonly referred to as
22 “carjacking”) that results in death.

23 (xxii) Any section of chapter 105 of
24 title 18, United States Code, relating to
25 sabotage, except for section 2152.

1 (xxiii) Any section of chapter 109A of
2 title 18, United States Code, relating to
3 sexual abuse, except that with regard to
4 section 2244 of such title, only a conviction
5 under subsection (c) of that section (relat-
6 ing to abusive sexual contact involving
7 young children) shall make a prisoner in-
8 eligible under this subparagraph.

9 (xxiv) Section 2251 of title 18, United
10 States Code, relating to the sexual exploi-
11 tation of children.

12 (xxv) Section 2251A of title 18,
13 United States Code, relating to the selling
14 or buying of children.

15 (xxvi) Any of paragraphs (1) through
16 (3) of section 2252(a) of title 18, United
17 States Code, relating to certain activities
18 relating to material involving the sexual ex-
19 ploitation of minors.

20 (xxvii) A second or subsequent convic-
21 tion under any of paragraphs (1) through
22 (6) of section 2252A(a) of title 18, United
23 States Code, relating to certain activities
24 relating to material constituting or con-
25 taining child pornography.

1 (xxviii) Section 2260 of title 18,
2 United States Code, relating to the produc-
3 tion of sexually explicit depictions of a
4 minor for importation into the United
5 States.

6 (xxix) Section 2283 of title 18, United
7 States Code, relating to the transportation
8 of explosive, biological, chemical, or radio-
9 active or nuclear materials.

10 (xxx) Section 2284 of title 18, United
11 States Code, relating to the transportation
12 of terrorists.

13 (xxxi) Section 2291 of title 18, United
14 States Code, relating to the destruction of
15 a vessel or maritime facility, but only if the
16 conduct which led to the conviction in-
17 volved a substantial risk of death or seri-
18 ous bodily injury.

19 (xxxii) Any section of chapter 113B of
20 title 18, United States Code, relating to
21 terrorism.

22 (xxxiii) Section 2340A of title 18,
23 United States Code, relating to torture.

24 (xxxiv) Section 2381 of title 18,
25 United States Code, relating to treason.

1 (xxxv) Section 2442 of title 18,
2 United States Code, relating to the recruit-
3 ment or use of child soldiers.

4 (xxxvi) Section 57(b) of the Atomic
5 Energy Act of 1954 (42 U.S.C. 2077(b)),
6 relating to the engagement or participation
7 in the development or production of special
8 nuclear material.

9 (xxxvii) Section 92 of the Atomic En-
10 ergy Act of 1954 (42 U.S.C. 2122), relat-
11 ing to prohibitions governing atomic weap-
12 ons.

13 (xxxviii) Section 101 of the Atomic
14 Energy Act of 1954 (42 U.S.C. 2131), re-
15 lating to the atomic energy license require-
16 ment.

17 (xxxix) Section 224 or 225 of the
18 Atomic Energy Act of 1954 (42 U.S.C.
19 2274, 2275), relating to the communica-
20 tion or receipt of restricted data.

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

24 (xli) Section 60123(b) of title 49,
25 United States Code, relating to damaging

1 or destroying a pipeline facility, but only if
2 the conduct which led to the conviction in-
3 volved a substantial risk of death or seri-
4 ous bodily injury.

5 (xlii) Section 401(a) of the Controlled
6 Substances Act (21 U.S.C. 841), relating
7 to manufacturing or distributing a con-
8 trolled substance, but only in the case of a
9 conviction for an offense described in sub-
10 paragraphs (A), (B), or (C) of subsection
11 (b)(1) of that section for which death or
12 serious bodily injury resulted from the use
13 of such substance.

14 (xliii) Section 276(a) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1326),
16 relating to the reentry of a removed alien,
17 but only if the alien is described in para-
18 graph (1) or (2) of subsection (b) of that
19 section.

20 (xliv) Any section of the Export Ad-
21 ministration Act of 1979 (50 U.S.C. App.
22 2401 et seq.).

23 (xlv) Section 206 of the International
24 Emergency Economic Powers Act (50
25 U.S.C. 1705).

1 (xlv) Section 601 of the National Se-
2 curity Act of 1947 (50 U.S.C. 3121), relat-
3 ing to the protection of identities of certain
4 United States undercover intelligence offi-
5 cers, agents, informants, and sources.

6 (xlvii) A third or subsequent convic-
7 tion for an offense described in section
8 3559(c)(2)(F) of title 18, United States
9 Code, or for an offense that would be a fel-
10 ony violation of section 113 of title 18,
11 United States Code, if the offense were
12 committed in the special maritime and ter-
13 ritorial jurisdiction of the United States,
14 for which the offender was sentenced to a
15 term of imprisonment of more than one
16 year, and for the previous convictions of
17 such offenses, for which the offender
18 served a term of imprisonment of more
19 than one year.

20 (xlviii) A third or subsequent convic-
21 tion for a drug trafficking offense, unless
22 the prisoner did not have a meaningful op-
23 portunity to participate in the recidivism
24 reduction programming described in this
25 title for one of the previous convictions.

1 (3) RISK REASSESSMENTS AND LEVEL ADJUST-
2 MENT.—A prisoner who successfully participates in
3 recidivism reduction programming or productive ac-
4 tivities shall receive periodic risk reassessments not
5 less than annually, and prisoners determined to be
6 at a greater risk of recidivating and who have less
7 than 5 years until their projected release date shall
8 receive more frequent risk reassessments. If the re-
9 assessment shows that the prisoner’s risk of
10 recidivating or specific needs have changed, the Bu-
11 reau of Prisons shall update the determination of
12 the prisoner’s risk of recidivating or information re-
13 garding the prisoner’s specific needs and reassign
14 the prisoner to appropriate recidivism reduction pro-
15 gramming or productive activities based on such
16 changes.

17 (4) RELATION TO OTHER INCENTIVE PRO-
18 GRAMS.—The incentives described in this subsection
19 shall be in addition to any other rewards or incen-
20 tives for which a prisoner may be eligible.

21 (f) PENALTIES.—The System shall provide guidelines
22 for the Bureau of Prisons to reduce rewards and incen-
23 tives earned under subsection (e) for prisoners who violate
24 prison, recidivism reduction program, or productive activ-
25 ity rules, which shall provide—

1 (1) general levels of violations and resulting re-
2 ductions;

3 (2) that any reduction that includes the for-
4 feiture of time credits shall be limited to time credits
5 that a prisoner earned as of the date of the pris-
6 oner's rule violation, and shall not include any fu-
7 ture time credits that the prisoner may earn; and

8 (3) guidelines for the Bureau of Prisons to es-
9 tablish a procedure to restore time credits that a
10 prisoner forfeited as a result of a rule violation
11 based on the prisoner's individual progress after the
12 date of the rule violation.

13 (g) BUREAU OF PRISONS TRAINING.—The Attorney
14 General shall develop training programs for Bureau of
15 Prisons officials and employees responsible for admin-
16 istering the System, which shall include—

17 (1) initial training to educate employees and of-
18 ficials on how to use the System in an appropriate
19 and consistent manner, as well as the reasons for
20 using the System;

21 (2) continuing education; and

22 (3) periodic training updates.

23 (h) QUALITY ASSURANCE.—In order to ensure that
24 the Bureau of Prisons is using the System in an appro-
25 priate and consistent manner, the Attorney General shall

1 monitor and assess the use of the System, which shall in-
2 clude conducting periodic audits of the Bureau of Prisons
3 regarding the use of the System.

4 **SEC. 104. RECIDIVISM REDUCTION PROGRAM AND PRO-**
5 **DUCTIVE ACTIVITY RECOMMENDATIONS.**

6 The Attorney General shall—

7 (1) review the effectiveness of recidivism reduc-
8 tion programs and productive activities that exist as
9 of the date of the enactment of this title in prisons
10 operated by the Bureau of Prisons;

11 (2) review available information regarding the
12 effectiveness of recidivism reduction programs and
13 productive activities that exist in State-operated
14 prisons throughout the United States;

15 (3) using evidence-based data, identify the most
16 effective recidivism reduction programs;

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

21 (5) make recommendations to the Bureau of
22 Prisons regarding—

23 (A) the expansion of programming and ac-
24 tivity capacity and the replication of effective

1 programs and activities described in paragraph
2 (1); and

3 (B) the addition of any new effective pro-
4 grams and activities that the Attorney General
5 finds, using the methods described in section
6 102(c), would help to reduce recidivism.

7 **SEC. 105. REPORT.**

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

16 (1) A summary of the activities and accomplish-
17 ments of the Attorney General in carrying out this
18 Act.

19 (2) A summary and assessment of the types
20 and effectiveness of the recidivism reduction pro-
21 grams and productive activities in prisons operated
22 by the Bureau of Prisons, including—

23 (A) evidence about which programs and ac-
24 tivities have been shown to reduce recidivism;

1 (B) the capacity of each program and ac-
2 tivity at each prison, including the number of
3 prisoners along with the recidivism risk of each
4 prisoner enrolled in each program; and

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

7 (3) An assessment of the Bureau of Prisons'
8 compliance with section 3621(h) of title 18, United
9 States Code.

10 (4) An assessment of progress made toward
11 carrying out the purposes of this Act, including any
12 savings associated with—

13 (A) the transfer of prisoners into
14 prerelease custody under section 3624(g) of
15 title 18, United States Code, as added by this
16 title; and

17 (B) any decrease in recidivism that may be
18 attributed to the implementation of the System
19 or the increase in recidivism reduction pro-
20 grams and productive activities required by this
21 title 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.—
4 Section 3621 of title 18, United States Code, is amended
5 by 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
10 the Post-Sentencing Risk and Needs Assessment
11 System (referred to in this subsection as the ‘Sys-
12 tem’) developed under the Recidivism Reduction Act,
13 the 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 Re-
17 cidivism Risk Reduction Act), regardless of the
18 prisoner’s length of imposed term of imprison-
19 ment; 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 para-
17 graph (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 para-
22 graph (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 para-
2 graph (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 para-
7 graph (1)(A); and

8 “(E) for all prisoners before the date that
9 is 5 years after the date on which the Bureau
10 of Prisons completes a risk and needs assess-
11 ment for each prisoner under paragraph (1)(A)
12 and 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 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
2 in 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
6 shall develop policies for the warden of each prison
7 to enter into partnerships, subject to the availability
8 of appropriations, 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
15 defined in section 101 of the Higher Education
16 Act of 1965 20 U.S.C. 1001) that will deliver
17 instruction 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
2 custody or supervised release in finding
3 employment.

4 “(D) Industry-sponsored organizations
5 that will deliver workforce development and
6 training, 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 “cred-
11 it for the last year or portion of a year of the
12 term of imprisonment shall be prorated and
13 credited within the last six weeks of the sen-
14 tence” and inserting “credit for the last year of
15 a term of imprisonment shall be credited on the
16 first day of the last year of the term of impris-
17 onment”; and

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

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

21 “(1) ELIGIBLE PRISONERS.—

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

1 “(i) has earned time credits under the
2 Post-Sentencing Risk and Needs Assess-
3 ment System developed under the Recidi-
4 vism Reduction Act (referred to in this
5 subsection as the ‘System’) in an amount
6 that is equal to the remainder of the pris-
7 oner’s imposed term or 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.—The warden of a pris-
16 on may submit a recommendation under para-
17 graph (2) for a prisoner who was determined
18 under the System to be more likely than not to
19 recidivate, upon written application, submitted
20 to the warden not later than 30 days after such
21 a determination was made, from a prisoner who
22 is otherwise eligible for prerelease custody
23 under this subsection.

24 “(2) RECOMMENDATION PROCESS.—

1 “(A) SUBMISSION OF RECOMMENDA-
2 TION.—The warden of the prison shall submit
3 a recommendation that the prisoner be trans-
4 ferred into prerelease custody to the United
5 States district court in which the prisoner was
6 convicted.

7 “(B) APPROVAL OR DENIAL.—

8 “(i) IN GENERAL.—Not later than 30
9 days after the submission of a rec-
10 ommendation under subparagraph (A), a
11 judge for such court shall approve or deny
12 the recommendation, except that a judge
13 may only deny such a recommendation if
14 the judge finds by clear and convincing evi-
15 dence that the prisoner should not be
16 transferred into prerelease custody based
17 only on evidence of the prisoner’s actions
18 after the conviction of such prisoner and
19 not based on evidence from the underlying
20 conviction, and submits a detailed written
21 statement regarding such finding to the
22 warden of the prison who recommended
23 that the prisoner be transferred into
24 prerelease custody.

1 “(ii) HEARING.—The court may hold
2 a hearing in order to make a determination
3 under clause (i). The prisoner shall have
4 the right to be present at the hearing,
5 which right may be satisfied through the
6 use of video teleconference.

7 “(iii) FAILURE TO DENY TREATED AS
8 APPROVAL.—The failure of a judge to ap-
9 prove or deny a recommendation to trans-
10 fer at the end of the 30-day period de-
11 scribed in clause (i) shall be treated as an
12 approval of such recommendation.

13 “(3) PLACEMENT OF PRISONER IN PRERELEASE
14 CUSTODY.—Upon the approval of a recommendation
15 under paragraph (2)(B)(i), or 30 days after the war-
16 den submits a recommendation under paragraph
17 (2)(A), whichever occurs earlier, the prisoner shall
18 be placed in prerelease custody in accordance with
19 this subsection.

20 “(4) TYPES OF PRERELEASE CUSTODY.—A
21 prisoner may be placed in prerelease custody as fol-
22 lows:

23 “(A) HOME CONFINEMENT.—

24 “(i) IN GENERAL.—A prisoner placed
25 in prerelease custody pursuant to this sub-

1 section who is placed in home confinement
2 shall—

3 “(I) be subject to 24-hour elec-
4 tronic monitoring that enables the
5 prompt identification of any violation
6 of subclause (II);

7 “(II) remain in the prisoner’s
8 residence, except that the prisoner
9 may leave the prisoner’s home in
10 order to, subject to the approval of
11 the Director of the Bureau of Pris-
12 ons—

13 “(aa) perform a job or job-
14 related activities, including an
15 apprenticeship, or participate in
16 job-seeking activities;

17 “(bb) participate in recidi-
18 vism reduction programming or
19 productive activities assigned by
20 the System, or similar activities;

21 “(cc) perform community
22 service;

23 “(dd) participate in crime
24 victim restoration activities;

1 “(ee) receive medical treat-
2 ment; or

3 “(ff) attend religious activi-
4 ties; and

5 “(III) comply with such other
6 conditions as the Director determines
7 appropriate.

8 “(ii) ALTERNATE MEANS OF MONI-
9 TORING.—If the electronic monitoring of a
10 prisoner described in clause (i)(I) is infea-
11 sible for technical or religious reasons, the
12 Director of the Bureau of Prisons may use
13 alternative means of monitoring a prisoner
14 placed in home confinement that the Direc-
15 tor determines are as effective or more ef-
16 fective than the electronic monitoring de-
17 scribed in clause (i)(I).

18 “(iii) MODIFICATIONS.—The Director
19 of the Bureau of Prisons may modify the
20 conditions described in clause (i) if the Di-
21 rector determines that a compelling reason
22 exists to do so, and that the prisoner has
23 demonstrated exemplary compliance with
24 such conditions.

1 “(iv) DURATION.—Except as provided
2 in paragraph (6), a prisoner who is placed
3 in home confinement shall remain in home
4 confinement until the prisoner has served
5 not less than 85 percent of the prisoner’s
6 imposed term of imprisonment.

7 “(B) COMMUNITY SUPERVISION.—A pris-
8 oner placed in prerelease custody pursuant to
9 this subsection who is placed on community su-
10 pervision—

11 “(i) shall be subject to such conditions
12 as the Director of the Bureau of Prisons
13 determines appropriate;

14 “(ii) may remain on community su-
15 pervision until the conclusion of the pris-
16 oner’s sentence; and

17 “(iii) may only be placed on commu-
18 nity supervision if the duration of the pris-
19 oner’s eligibility for community supervision
20 is equal to or longer than the duration of
21 the prisoner’s remaining period of
22 prerelease custody.

23 “(C) RESIDENTIAL REENTRY CENTER.—A
24 prisoner placed in prerelease custody pursuant
25 to this subsection who is placed at a residential

1 reentry center shall be subject to such condi-
2 tions as the Director of the Bureau of Prisons
3 determines appropriate.

4 “(5) DETERMINATION OF CONDITIONS.—In de-
5 termining appropriate conditions for prisoners
6 placed in prerelease custody pursuant to this sub-
7 section, the Director of the Bureau of Prisons shall,
8 to the extent practicable, provide that increasingly
9 less restrictive conditions shall be imposed on pris-
10 oners who demonstrate continued compliance with
11 the conditions of such prerelease custody, so as to
12 most effectively prepare such prisoners for reentry.

13 “(6) VIOLATIONS OF CONDITIONS.—If a pris-
14 oner violates a condition of the prisoner’s prerelease
15 custody, the Director of the Bureau of Prisons may
16 revoke the prisoner’s prerelease custody and require
17 the prisoner to serve the remainder of the term of
18 imprisonment to which the prisoner was sentenced,
19 or any portion thereof, in prison, or impose such ad-
20 ditional conditions on the prisoner’s prerelease cus-
21 tody as the Director of the Bureau of Prisons deter-
22 mines appropriate.

23 “(7) ISSUANCE OF GUIDELINES.—The Attorney
24 General, in consultation with the Assistant Director
25 for the Office of Probation and Pretrial Services,

1 shall issue guidelines, for use by the Bureau of Pris-
2 ons in determining—

3 “(A) appropriate type of prerelease custody
4 and level of supervision for a prisoner placed on
5 prerelease custody pursuant to this subsection;
6 and

7 “(B) consequences for a violation of a con-
8 dition of such prerelease custody by such a pris-
9 oner, including a return to prison and a reas-
10 sessment of recidivism risk level under the Sys-
11 tem.

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

20 “(A) authorize United States Probation
21 and Pretrial Services to exercise the authority
22 granted to the Director pursuant to paragraphs
23 (4) and (5);

24 “(B) take into account the resource re-
25 quirements of United States Probation and

1 Pretrial Services as a result of the transfer of
2 Bureau of Prisons prisoners to prerelease cus-
3 tody; and

4 “(C) provide for the transfer of such funds
5 as may be necessary to comply with such re-
6 quirements.

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

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

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

23 “(2) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect beginning on the
25 date that the Attorney General completes and re-

1 leases the Post-Sentencing Risk and Needs Assess-
2 ment System.

3 **SEC. 107. DEFINITIONS.**

4 In this Act the following definitions apply:

5 (1) RISK AND NEEDS ASSESSMENT TOOL.—The
6 term “risk and needs assessment tool” means an ob-
7 jective and statistically validated method through
8 which information is collected and evaluated to de-
9 termine—

10 (A) the risk that a prisoner will recidivate
11 upon release from prison; and

12 (B) the recidivism reduction programs that
13 will best minimize the risk that the prisoner will
14 recidivate upon release from prison.

15 (2) RECIDIVISM REDUCTION PROGRAM.—The
16 term “recidivism reduction program” means either a
17 group or individual activity that—

18 (A) has been shown by empirical evidence
19 to reduce recidivism or is based on research in-
20 dicating that it is likely to be effective in reduc-
21 ing recidivism;

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

25 (C) may include—

- 1 (i) social learning, communication,
2 interpersonal, bullying and rejection re-
3 sponse, and other life skills;
- 4 (ii) family relationship building, struc-
5 tured parent-child interaction, and par-
6 enting skills;
- 7 (iii) classes on morals or ethics;
- 8 (iv) academic classes;
- 9 (v) cognitive behavioral treatment;
- 10 (vi) mentoring;
- 11 (vii) substance abuse treatment;
- 12 (viii) vocational training;
- 13 (ix) faith-based classes or services;
- 14 (x) civic engagement and reintegrative
15 community services;
- 16 (xi) a prison job; or
- 17 (xii) victim impact classes or other re-
18 storative justice programs.

19 (3) PRODUCTIVE ACTIVITY.—The term “pro-
20 ductive activity” means either a group or individual
21 activity that is designed to allow prisoners deter-
22 mined as having a low or no risk of recidivating to
23 remain productive and thereby maintain a low or no
24 risk of recidivating, and may include the delivery of

1 the programs described in paragraph (2) to other
2 prisoners.

3 (4) PRISONER.—The term “prisoner” means a
4 person who has been sentenced to a term of impris-
5 onment pursuant to a conviction for a Federal crimi-
6 nal offense, or a person in the custody of the Bureau
7 of Prisons, including a person in a Bureau of Pris-
8 ons contracted facility.

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

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

23 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated to carry out this Act \$50,000,000 for each of fiscal

1 years 2017 through 2021. Of the amount appropriated
2 under this subsection, 80 percent shall be reserved for use
3 by the Director of the Bureau of Prisons to implement
4 the System under section 106 and the amendments made
5 by that section.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that any savings associated with reducing recidivism
8 and reducing the prison population that result from this
9 title should be reinvested into further expansion of recidi-
10 vism reduction programs and productive activities by the
11 Bureau of Prisons.

12 **SEC. 109. RULE OF CONSTRUCTION.**

13 Nothing in this Act, or the amendments made by this
14 Act, may be construed to provide authority to place a pris-
15 oner on prerelease custody who is serving a term of impris-
16 onment pursuant to a conviction for an offense under the
17 laws of one of the 50 States, or of a territory or possession
18 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
9 the 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 sub-
14 section (b), beginning on the date on which pregnancy is
15 confirmed by a healthcare professional, and ending at the
16 conclusion of postpartum recovery, a prisoner in the cus-
17 tody of the Bureau of Prisons, or in the custody of the
18 United States Marshals Service pursuant to section 4086,
19 shall not be 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
25 a 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
6 cannot reasonably be prevented by other
7 means; 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 excep-
14 tion under paragraph (1), only the least restrictive
15 restraints necessary to prevent the harm or risk of
16 escape 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
25 four-point restraints; or

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

3 “(B) MEDICAL REQUEST.—Notwith-
4 standing paragraph (1), upon the request of a
5 healthcare professional who is responsible for
6 the health and safety of a prisoner, a correc-
7 tions official or United States marshal, as ap-
8 plicable, shall refrain from using restraints on
9 the prisoner or remove restraints used on the
10 prisoner.

11 “(c) REPORTS.—

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

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

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

4 “(C) any resulting physical effects on the
5 prisoner observed by or known to the correc-
6 tions official or United States marshal, as ap-
7 plicable.

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

15 “(3) REPORT TO JUDICIARY COMMITTEES.—

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

1 “(B) PERSONALLY IDENTIFIABLE INFOR-
2 MATION.—The report under this paragraph
3 shall not contain any personally identifiable in-
4 formation 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 pro-
7 fessional, 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
10 use of restraints under this section.

11 “(e) VIOLATION REPORTING PROCESS.—The Direc-
12 tor of the Bureau of Prisons, in consultation with the Di-
13 rector of the United States Marshals Service, shall estab-
14 lish a process through which a prisoner may report a viola-
15 tion 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
19 Marshals Service shall each develop training guide-
20 lines regarding the use of restraints on female pris-
21 oners 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
8 in a way that does not harm the prisoner, the
9 fetus, 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
14 requirement under subsection (b)(3)(B) to com-
15 ply with such a request.

16 “(2) DEVELOPMENT OF GUIDELINES.—In de-
17 veloping the guidelines required by paragraph (1),
18 the Directors shall each consult with health care
19 professionals with expertise in caring for women
20 during the period of pregnancy and postpartum re-
21 covery.

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

23 “(1) The term ‘postpartum recovery’ means the
24 six-week period, or longer as determined by the
25 healthcare professional responsible for the health

1 and safety of the prisoner, following delivery, and
2 shall include the entire period that the prisoner is in
3 the hospital or infirmary.

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

7 “(3) The term ‘prisoner’ means a person who
8 has been sentenced to a term of imprisonment pur-
9 suant to a conviction for a Federal criminal offense,
10 or a person in the custody of the Bureau of Prisons,
11 including a person in a Bureau of Prisons con-
12 tracted facility.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 317 of title 18, United States
15 Code, is amended by adding after the item relating to sec-
16 tion 4321 the following:

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

17 **TITLE III—BUREAU OF PRISONS**
18 **USE OF OLEORESIN CAP-**
19 **SICUM SPRAY**

20 **SEC. 301. SHORT TITLE.**

21 This title may be cited as the “Eric Williams Correc-
22 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 fol-
6 lowing:

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

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

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

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

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

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

22 “(b) TRAINING REQUIREMENT.—

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

1 the officer or employee shall complete a training
2 course before being issued such spray, and annually
3 thereafter, on the use of oleoresin capsicum spray.

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

10 “(3) TRAINING CONDUCTED DURING REGULAR
11 EMPLOYMENT.—An officer or employee of the Bu-
12 reau of Prisons who completes a training course re-
13 quired under paragraph (1) shall do so during the
14 course of that officer or employee’s regular employ-
15 ment, and shall be compensated at the same rate
16 that the officer or employee would be compensated
17 for conducting the officer or employee’s regular du-
18 ties.

19 “(c) USE OF OLEORESIN CAPSICUM SPRAY.—Offi-
20 cers and employees of the Bureau of Prisons issued oleo-
21 resin capsicum spray pursuant to subsection (a) may use
22 such spray to reduce acts of violence—

23 “(1) committed by prisoners against themselves,
24 other prisoners, prison visitors, and officers and em-
25 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
5 for chapter 303 of title 18, United States Code, is amend-
6 ed by inserting after the item relating to section 4048 the
7 following:

 “4049. Officers and employees of the Bureau of Prisons authorized to carry oleoresin 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
11 to issue oleoresin capsicum spray to officers and employees
12 of the Bureau of Prisons pursuant to section 4049 of title
13 18, United States Code (as added by this title), the Comp-
14 troller General of the United States shall submit to Con-
15 gress a report that includes the following:

16 (1) An evaluation of the effectiveness of issuing
17 oleoresin capsicum spray to officers and employees
18 of the Bureau of Prisons in prisons that are not
19 minimum 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
24 the Bureau of Prisons in such prisons.

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

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

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

13 (3) Recommendations to improve the safety of
14 officers and employees of the Bureau of Prisons in
15 prisons.

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
21 2016”.

22 **SEC. 402. FINDINGS.**

23 Congress finds that—

24 (1) the Law Enforcement Officers Safety Act of
25 2004 (Public Law 108–277; 118 Stat. 865) gives

1 certain law enforcement officers, including certain
2 correctional officers of the Bureau of Prisons, the
3 right to carry a concealed firearm in all 50 States
4 for self-protection;

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

8 (3) correctional officers of the Bureau of Pris-
9 ons have been the targets of assaults and murders
10 while off duty; and

11 (4) while that Act allows certain law enforce-
12 ment officers to protect themselves off duty, the Di-
13 rector of the Bureau of Prisons allows correctional
14 officers of the Bureau of Prisons to securely store
15 personal firearms at only 33 Federal penal and cor-
16 rectional institutions while at work.

17 **SEC. 403. SECURE FIREARMS STORAGE.**

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

21 **“§ 4050. Secure firearms storage**

22 “(a) DEFINITIONS.—In this section—

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

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

4 “(b) SECURE FIREARMS STORAGE.—The Director of
5 the Bureau of Prisons shall ensure that each chief execu-
6 tive 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
14 law, allows employees to carry concealed firearms on
15 the premises outside of the secure perimeter of the
16 institution.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The table of sections for chapter 303 of title 18, United
19 States Code, as amended by this Act, is further amended
20 by adding 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 Pris-
25 ons shall incorporate into training programs provided to

1 officers and employees of the Bureau of Prisons (including
2 officers and employees of an organization with which the
3 Bureau of Prisons has a contract to provide services relat-
4 ing to imprisonment) specialized and comprehensive train-
5 ing in procedures to—

6 (1) de-escalate encounters between a law en-
7 forcement officer or an officer or employee of the
8 Bureau of Prisons, and a civilian or a prisoner (as
9 such term 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
12 who 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
17 days after the date of the enactment of this Act, the Direc-
18 tor of the Bureau of Prisons shall submit to the Commit-
19 tees on the Judiciary and the Committees on Appropria-
20 tions of the Senate and of the House of Representatives
21 a report assessing the availability of and the capacity of
22 the Bureau of Prisons to treat heroin and opioid abuse
23 through medication-assisted treatment. The report shall
24 include a description of plans to expand access to medica-
25 tion-assisted treatment for heroin and opioid abuse for

1 prisoners in appropriate cases. Following submission, the
2 Director shall take 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
6 days after the date of the enactment of this Act, the Direc-
7 tor of the Administrative Office of the United States
8 Courts shall submit to the Committees on the Judiciary
9 and the Committees on Appropriations of the Senate and
10 of the House of Representatives a report assessing the
11 availability of and capacity for the provision of medication-
12 assisted treatment for opioid and heroin abuse by treat-
13 ment-service providers serving prisoners who are serving
14 a term of supervised release, and including a description
15 of plans to expand access to medication assisted treatment
16 for heroin and opioid abuse whenever appropriate among
17 prisoners under supervised release. Following submission,
18 the Director will take 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 sec-
25 tion 107) sends or receives an electronic communication

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

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

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

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

20 (a) **IN GENERAL.**—The Bureau of Prisons shall es-
21 tablish each of the following pilot programs for 2 years,
22 in 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
5 OTHERWISE VULNERABLE ANIMALS.—A program to
6 equip prisoners with the skills to provide training
7 and therapy to animals seized by Federal law en-
8 forcement under asset forfeiture authority and to or-
9 ganizations that provide shelter and similar services
10 to abandoned, rescued, or otherwise vulnerable ani-
11 mals.

12 (b) REPORTING REQUIREMENT.—Not later than one
13 year after the conclusion of the pilot programs, the Attor-
14 ney General shall report to Congress on the results of the
15 pilot programs under this section. Such report shall in-
16 clude cost savings, numbers of participants, and informa-
17 tion about recidivism rates among participants.

18 (c) DEFINITION.—In this title, the term “youth”
19 means a prisoner (as such term is defined in section 107)
20 who was 21 years of age or younger at the time of the
21 commission or alleged commission of the criminal offense
22 for which the individual is being prosecuted or serving a
23 term 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
7 of 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.—
12 Beginning not later than one year after the date of the
13 enactment of this Act, and annually thereafter, pursuant
14 to the authority under section 302 of the Omnibus Crime
15 Control and Safe Streets Act of 1968 (42 U.S.C. 3732),
16 the Director of the Bureau of Justice Statistics, with in-
17 formation that shall be provided by the Director of the
18 Bureau of Prisons, shall include in the National Prisoner
19 Statistics Program the following:

20 (1) The number of prisoners (as such term is
21 defined in section 107 of this Act) who are veterans
22 of 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
25 the previous year.

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

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

11 (5) The number of prisoners provided metha-
12 done or buprenorphine while in custody in order to
13 manage withdrawal or to continually treat substance
14 dependence 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 equiva-
3 lent certificate while incarcerated.

4 (11) The numbers of prisoners for whom
5 English 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
25 facility;

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) is amended—

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

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

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

6 (a) DESIGNATION OF RELEASE PREPARATION COOR-
7 DINATOR.—The Director of the Bureau of Prisons shall
8 designate one officer or employee of the Bureau of Prisons
9 at each facility that houses prisoners, as the release prepa-
10 ration coordinator, who shall be responsible for deter-
11 mining the general release needs of the prisoner popu-
12 lation and developing and implementing an institution re-
13 lease preparation 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 prepa-
19 ration, 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 em-

ployees of the Bureau of Prisons, and for other purposes.”.

