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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and eternal God, You shine in the darkness. The whole Earth is bathed in Your light. Today, be near to our lawmakers. Penetrate the springs of their being, bringing cleansing, healing, and unity. Drive them away from the shadows of disunity, enabling them to find common ground. In times of routine and humble duties, may they remember they are serving you.

Lord, as we all trust in Your mercies, surround our Nation with the shield of Your favor and protection. And, Lord, we ask your blessings upon your servant, Senator CINDY HYDE-SMITH, who will be sworn in today.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

The PRESIDENT pro tempore. The Chair lays before the Senate a certificate of election to fill the unexpired term created by the resignation of former Senator Thad Cochran, of Mississippi.

The certificate, the Chair is advised, is in the form suggested by the Senate. If there be no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows

STATE OF MISSISSIPPI
CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 27th day of November 2018, Cindy Hyde-Smith was duly chosen by the qualified electors of the State of Mississippi a Senator for the unexpired term ending at noon on the 3rd day of January, Two Thousand Twenty-One, to fill the vacancy in the representation from Mississippi in the Senate of the United States caused by the resignation of Thad Cochran.

Given under my hand, and our seal affixed hereto, at the City of Jackson, this the 12th day of December in the year of our Lord, Two Thousand Eighteen.

By the Governor:

PHIL BRYANT,
Governor of the State of Mississippi.

C. DELBERT HOSEMANN, JR.,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF THE OATH OF OFFICE

The PRESIDENT pro tempore. If the Senator-elect will now present herself to the desk, the Chair will administer the oath of office.

Senator HYDE-SMITH, escorted by Senator MCCONNELL, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to Senator HYDE-SMITH by the President pro tempore, and she severally subscribed to the oath in the Official Oath Book.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

TRIBUTE TO LAMAR ALEXANDER

Mr. MCCONNELL. Mr. President, I would like to say a few words following today's announcement from our dear friend, the senior Senator from Tennessee.

The great State of Tennessee has been generous to the U.S. Senate over the years. A number of the State's Senators from both parties have enriched this institution through especially distinguished service and built reputations as national leaders.

Nobody embodies this legacy more fully than LAMAR ALEXANDER. While I am sure he will accomplish even more over the next 2 years, LAMAR is already one of the most consequential Senators on domestic policy in memory. LAMAR was a success long before he became a Senator. He had already been a popular and accomplished Governor and a brilliant Secretary of Education, but fortunately for this body and for our Nation, 16 years ago the Volunteer State saw fit to continue that career of excellence by sending LAMAR here.

He has chaired the Republican conference. He has chaired the HELP Committee. For his colleagues in both parties he is a go-to expert on some of the most critical subjects that directly impact Americans' lives, particularly American families, healthcare, and our children's schools.

The Every Student Succeeds Act and this year's landmark opioids legislation are two perfect examples of signature LAMAR ALEXANDER accomplishments. They tackle challenging issues in a thoughtful and substantive way. They tangibly improve Americans' lives, and they passed both Houses of Congress with big bipartisan majorities.

So the Senate will be lesser without LAMAR's wisdom, collegiality, and expertise when he retires. I am glad that day is 2 years away and grateful we will keep benefiting from his leadership through the 116th Congress.

SENATE AGENDA

Mr. MCCONNELL. Mr. President, on another matter, in recent days I have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

spoken about the Senate's agenda for the remainder of the 115th Congress. As was the case at this time last week, there are important items that have yet to be addressed, but thanks to the bipartisan progress made last week, we are significantly closer to the finish line.

Together, guided by Chairman BLUNT and Senator KLOBUCHAR, the Senate met the need to revise how Congress handles claims of sexual harassment, workplace discrimination, and other workplace violations.

Under the leadership of Chairman ROBERTS and Senator STABENOW, we cleared the conference report for the 2018 farm bill, sending my industrial hemp legislation and other critical provisions for America's farming communities to the President's desk to become law.

To cap off a year of historic progress on judicial nominations, the Senate voted to confirm the 30th Federal circuit judge of this Congress and this administration.

Now we will turn our attention to the remaining priorities in completing the American people's business. Last week, I announced that at the request of the President and following improvements that were secured by several Members, the Senate will take up criminal justice legislation here on the floor. Later this afternoon, we will vote on advancing that legislation.

I know the proponents of this bill spent a great deal of time and energy drafting their proposal. At the same time, there are a number of Members with outstanding concerns they feel are still unresolved. So if cloture is invoked later today, the Senate will be considering amendments before we vote on final passage later this week.

Of course, the most high-profile items still before us are border security and government funding. We need to make a substantial investment in the integrity of our border and in the safety of American families. We need to close out the year's appropriations process and reach a bipartisan agreement to supply the 25 percent of the Federal Government for which we haven't already passed funding legislation. I hope the same bipartisan, collaborative spirit that has carried us this far will enable the Senate and the House to complete this business without undue delay.

ABOLISH HUMAN TRAFFICKING ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 1311.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1311) entitled ''An Act to provide assistance in abolishing human trafficking in the United States.'', do pass with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment and ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAFFICKING VICTIMS PROTECTION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 1312.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1312) entitled ''An Act to prioritize the fight against human trafficking in the United States.'', do pass with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. I move to concur in the House amendment and ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 623, S. 1862.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1862) to amend the Trafficking Victims Protection Act of 2000 to modify the criteria for determining whether countries are meeting the minimum standards for the elimination of human trafficking, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trafficking Victims Protection Reauthorization Act of 2017''.

SEC. 2. DEFINITIONS.

Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

(1) by redesignating paragraphs (5) through (15) as paragraphs (7) through (17), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) CONCRETE ACTIONS.—The term 'concrete actions' means actions that demonstrate increased efforts by the government of a country to meet the minimum standards for the elimination of trafficking, including any of the following:

''(A) Enforcement actions taken.

''(B) Investigations actively underway.

''(C) Prosecutions conducted.

''(D) Convictions attained.

''(E) Training provided.

''(F) Programs and partnerships actively underway.

''(G) Efforts to prevent severe forms of trafficking, including programs to reduce the vulnerability of particularly vulnerable populations, involving survivors of trafficking in community engagement and policy making, engagement with foreign migrants, ending unreasonable recruitment fees, and other such measures.

''(H) Victim services offered, including immigration services and restitution.

''(I) The amount of money the government has committed to the actions described in subparagraphs (A) through (H).

''(6) CREDIBLE EVIDENCE.—The term 'credible evidence' includes all of the following:

''(A) Reports by the Department of State.

''(B) Reports of other Federal agencies, including the Department of Labor's List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor or Indentured Child Labor.

''(C) Documentation provided by a foreign country, including—

''(i) copies of relevant laws, regulations, and policies adopted or modified; and

''(ii) an official record of enforcement actions taken, judicial proceedings, training conducted, consultations conducted, programs and partnerships launched, and services provided.

''(D) Materials developed by civil society organizations.

''(E) Information from survivors of human trafficking, vulnerable persons, and whistleblowers.

''(F) All relevant media and academic reports that, in light of reason and common sense, are worthy of belief.

''(G) Information developed by multilateral institutions.

''(H) An assessment of the impact of the actions described in subparagraphs (A) through (I) of paragraph (5) on the prevalence of human trafficking in the country.''.

SEC. 3. SENSE OF CONGRESS.

(a) PRIVATE SECTOR SUPPORT TO STRENGTHEN LAW ENFORCEMENT AGENCIES AND THE ROLE OF PRIVATE BUSINESSES IN PREVENTING AND COMBATING CHILD SEX TRAFFICKING.—It is the sense of Congress that—

(1) the President should work with the private sector to explore, develop, and use technology that strengthens Federal law enforcement capabilities to combat traffickers and criminal networks; and

(2) private businesses, both domestic and international, should take every reasonable step to prevent and combat child sex trafficking.

(b) EFFORTS TO END MODERN SLAVERY.—It is the sense of Congress that any future authorization of appropriations to carry out the grant program authorized under section 1298 of the Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 7114) should simultaneously extend the accountability provisions under subsections (c), (d), and (e) of such section.

SEC. 4. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

Section 108(b)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)(7)) is amended by inserting ''or enable'' after ''condone''.

SEC. 5. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) is amended—

(1) in paragraph (1)—

(A) by striking ''The report should'' and inserting ''The report shall, to the extent concurrent reporting data is available, cover efforts and activities taking place during the period between April 1 of the year preceding the report and March 31 of the year in which the report is made, and should'';

(B) in subparagraph (A), by inserting ''based only on concrete actions taken by the country that are recorded during the reporting period'' after ''such standards'';

(C) in subparagraph (B) by inserting ''based only on concrete actions taken by the country (excluding any commitments by the country to take additional future steps during the next year) that are recorded during the reporting period'' after ''compliance'';

(D) in subparagraph (F), by striking ''and'' at the end;

(E) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(H) for each country included in a different list than the country had been placed in the previous annual report, a detailed explanation of how the concrete actions (or lack of such actions) undertaken (or not undertaken) by the country during the previous reporting period contributed to such change, including a clear linkage between such actions and the minimum standards enumerated in section 108.'';

(2) in paragraph (2)—

(A) in subparagraph (A)(iii)—

(i) in subclause (I), by adding ''or'' at the end;

(ii) in subclause (II), by striking ''; or'' and inserting a period; and

(iii) by striking subclause (III);

(B) in subparagraph (B), by striking ''the last annual report'' and inserting ''April 1 of the previous year'';

(C) in subparagraph (D)(ii), by striking ''2 years'' and inserting ''1 year''; and

(D) in subparagraph (E)—

(i) in the subparagraph heading, by striking ''PUBLIC'' and inserting ''CONGRESSIONAL''; and

(ii) by striking ''shall provide'' and all that follows and inserting the following: ''shall—

''(i) provide a detailed description of the credible evidence supporting such determination on a publicly available website maintained by the Department of State; and

''(ii) offer to brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on any written plan submitted by the country under subparagraph (D)(ii)(I), with an opportunity to review the written plan.'';

(3) in paragraph (3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the semicolon at the end and inserting a period; and

(C) by adding at the end the following:

''(D) the extent to which the government of the country is devoting sufficient budgetary resources—

''(i) to investigate and prosecute acts of severe trafficking in persons;

''(ii) to convict and sentence persons responsible for such acts; and

''(iii) to obtain restitution for victims of human trafficking;

''(E) the extent to which the government of the country is devoting sufficient budgetary resources—

''(i) to protect and support victims of trafficking in persons; and

''(ii) to prevent severe forms of trafficking in persons; and

''(F) the extent to which the government of the country has consulted with domestic and international civil society organizations that resulted in concrete actions to improve the provision of services to victims of trafficking in persons.''; and

(4) by adding at the end the following:

''(4) ACTION PLANS FOR COUNTRIES UPGRADED TO TIER 2 WATCHLIST.—

''(A) IN GENERAL.—Not later than 180 days after the release of the annual Trafficking in Persons Report, the Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking and the Assistant Secretary of the appropriate regional bureau, in consultation with appropriate officials from the government of each country described in paragraph (2)(A)(ii), and with the assistance of the United States Ambassador or Charge d'Affaires in each country, shall—

''(i) prepare an action plan for each country upgraded from Tier 3 to Tier 2 Watchlist to further improve such country's tier ranking under this subsection; and

''(ii) present the relevant action plan to the government of each such country.

''(B) CONTENTS.—Each action plan prepared under this paragraph—

''(i) shall include specific concrete actions to be taken by the country to substantively address deficiencies preventing the country from meeting Tier 2 standards, based on credible evidence; and

''(ii) should be focused on short-term and multi-year goals.

''(C) BRIEFINGS.—The Ambassador-at-Large of the Office to Monitor and Combat Trafficking and all appropriate regional Assistant Secretaries shall make themselves available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of each action plan prepared under this paragraph.

''(D) SAVINGS PROVISION.—Nothing in this paragraph may be construed as modifying—

''(i) minimum standards for the elimination of trafficking under section 108; or

''(ii) the actions against governments failing to meet minimum standards under this section or the criteria for placement on the Special Watch List under paragraph (2).''.

SEC. 6. COMMUNICATION WITH GOVERNMENTS OF COUNTRIES DESIGNATED AS TIER 2 WATCH LIST COUNTRIES ON THE TRAFFICKING IN PERSONS REPORT.

(a) IN GENERAL.—Not less than annually, the Secretary of State shall provide, to the foreign minister of each country that has been downgraded to a ''Tier 2 Watch List'' country pursuant to the Trafficking in Persons report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b))—

(1) a copy of the annual Trafficking in Persons report; and

(2) information pertinent to that country's downgrade, including—

(A) confirmation of the country's designation to the Tier 2 Watch List;

(B) the implications associated with such designation and the consequences for the country of a downgrade to Tier 3;

(C) the factors that contributed to the downgrade; and

(D) the steps that the country must take to be considered for an upgrade in status of designation.

(b) SENSE OF CONGRESS REGARDING COMMUNICATIONS.—It is the sense of Congress that, given the gravity of a Tier 2 Watch List designation, the Secretary of State should communicate the information described in subsection (a) to the foreign minister of any country downgraded to the Tier 2 Watch List.

SEC. 7. UNITED STATES SUPPORT FOR INTEGRATION OF ANTI-TRAFFICKING INTERVENTIONS IN MULTILATERAL DEVELOPMENT BANKS.

(a) REQUIREMENTS.—The Secretary of the Treasury, in consultation with the Secretary of State, acting through the Ambassador at Large for Monitoring and Combating Trafficking in Persons, shall instruct the United States Executive Director of each multilateral development bank to initiate discussions with the other executive directors and management of the respective multilateral development bank to—

(1) further develop anti-human trafficking provisions in relevant project development, safeguards, procurement, and evaluation policies;

(2) employing a risk-based approach, require human trafficking risk assessments and integration plans as a routine part of developing projects through existing, forthcoming or new mechanisms and processes;

(3) support analyses of the impact of severe forms of trafficking in persons on key indicators of economic and social development and of the benefits of reducing human trafficking on economic and social development;

(4) support the proactive integration of effective anti-trafficking interventions into projects with the objectives of enhancing development outcomes and reducing the incidence of severe forms of trafficking in project areas;

(5) increase the capacity of multilateral development banks and of recipient governments to conduct human trafficking risk assessments and integrate anti-trafficking interventions into projects;

(6) support the development of meaningful risk mitigation and reduction policies, regulations, and strategies within the multilateral development banks to reduce the incidence and prevalence of severe forms of trafficking in persons and enhance development outcomes that may be improved by reducing the incidence and prevalence of human trafficking; and

(7) support the inclusion of human trafficking risk analysis in the development of relevant country strategies by each multilateral development bank.

(b) BRIEFINGS.—The Secretary of the Treasury shall make relevant officials available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of this section.

Mr. MCCONNELL. I ask unanimous consent that the Menendez amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; and the bill, as amended, be considered read the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4106) was agreed to as follows:

(Purpose: In the nature of a substitute)

On page 28, line 12, strike ''unreasonable''.

On page 28, strike lines 19 and 20 and insert the following:

''(6) CREDIBLE INFORMATION.—The term 'credible information' includes all of the following:

On page 30, between lines 19 and 20, insert the following:

SEC. 4. PROHIBITION ON PLACEMENT OR RECRUITMENT FEES.

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended—

(1) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively, and moving such paragraphs 4 ems to the left; and

(2) in paragraph (4), as redesignated—

(A) by redesignating subclauses (I) through (V) as subparagraphs (A) through (E), respectively, and moving such subparagraphs 4 ems to the left;

(B) in subparagraph (B), as redesignated, by redesignating items (aa) and (bb) as clauses (i) and (ii), respectively, and moving such clauses 4 ems to the left; and

(C) in subparagraph (D), as redesignated, by striking ''unreasonable placement or recruitment fees'' and all that follows through the period at the end and inserting ''placement or recruitment fees.''.

On page 30, line 20, strike ''**4**'' and insert ''**5**''.

On page 31, line 1, strike ''**5**'' and insert ''**6**''.

On page 33, line 8, strike ''credible evidence'' and insert ''credible information''.

On page 35, line 24, strike ''credible evidence'' and insert ''credible information''.

On page 37, line 1, strike ''6'' and insert ''7''.

On page 38, line 5, strike ''7'' and insert ''8''.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

If not, the question is, Shall the bill pass?

The bill (S. 1862) was passed, as follows:

S. 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trafficking Victims Protection Reauthorization Act of 2017''.

SEC. 2. DEFINITIONS.

Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

(1) by redesignating paragraphs (5) through (15) as paragraphs (7) through (17), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) CONCRETE ACTIONS.—The term 'concrete actions' means actions that demonstrate increased efforts by the government of a country to meet the minimum standards for the elimination of trafficking, including any of the following:

''(A) Enforcement actions taken.

''(B) Investigations actively underway.

''(C) Prosecutions conducted.

''(D) Convictions attained.

''(E) Training provided.

''(F) Programs and partnerships actively underway.

''(G) Efforts to prevent severe forms of trafficking, including programs to reduce the vulnerability of particularly vulnerable populations, involving survivors of trafficking in community engagement and policy making, engagement with foreign migrants, ending recruitment fees, and other such measures.

''(H) Victim services offered, including immigration services and restitution.

''(I) The amount of money the government has committed to the actions described in subparagraphs (A) through (H).

''(6) CREDIBLE INFORMATION.—The term 'credible information' includes all of the following:

''(A) Reports by the Department of State.

''(B) Reports of other Federal agencies, including the Department of Labor's List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor or Indentured Child Labor.

''(C) Documentation provided by a foreign country, including—

''(i) copies of relevant laws, regulations, and policies adopted or modified; and

''(ii) an official record of enforcement actions taken, judicial proceedings, training conducted, consultations conducted, programs and partnerships launched, and services provided.

''(D) Materials developed by civil society organizations.

''(E) Information from survivors of human trafficking, vulnerable persons, and whistleblowers.

''(F) All relevant media and academic reports that, in light of reason and common sense, are worthy of belief.

''(G) Information developed by multilateral institutions.

''(H) An assessment of the impact of the actions described in subparagraphs (A) through (I) of paragraph (5) on the prevalence of human trafficking in the country.''.

SEC. 3. SENSE OF CONGRESS.

(a) PRIVATE SECTOR SUPPORT TO STRENGTHEN LAW ENFORCEMENT AGENCIES AND THE ROLE OF PRIVATE BUSINESSES IN PREVENTING AND COMBATING CHILD SEX TRAFFICKING.—It is the sense of Congress that—

(1) the President should work with the private sector to explore, develop, and use technology that strengthens Federal law enforcement capabilities to combat traffickers and criminal networks; and

(2) private businesses, both domestic and international, should take every reasonable step to prevent and combat child sex trafficking.

(b) EFFORTS TO END MODERN SLAVERY.—It is the sense of Congress that any future authorization of appropriations to carry out the grant program authorized under section 1298 of the Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 7114) should simultaneously extend the accountability provisions under subsections (c), (d), and (e) of such section.

SEC. 4. PROHIBITION ON PLACEMENT OR RECRUITMENT FEES.

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended—

(1) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively, and moving such paragraphs 4 ems to the left; and

(2) in paragraph (4), as redesignated—

(A) by redesignating subclauses (I) through (V) as subparagraphs (A) through (E), respectively, and moving such subparagraphs 4 ems to the left;

(B) in subparagraph (B), as redesignated, by redesignating items (aa) and (bb) as clauses (i) and (ii), respectively, and moving such clauses 4 ems to the left; and

(C) in subparagraph (D), as redesignated, by striking ''unreasonable placement or recruitment fees'' and all that follows through the period at the end and inserting ''placement or recruitment fees.''.

SEC. 5. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

Section 108(b)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)(7)) is amended by inserting ''or enable'' after ''condone''.

SEC. 6. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) is amended—

(1) in paragraph (1)—

(A) by striking ''The report should'' and inserting ''The report shall, to the extent concurrent reporting data is available, cover efforts and activities taking place during the period between April 1 of the year preceding the report and March 31 of the year in which the report is made, and should'';

(B) in subparagraph (A), by inserting ''based only on concrete actions taken by the country that are recorded during the reporting period'' after ''such standards'';

(C) in subparagraph (B) by inserting ''based only on concrete actions taken by the country (excluding any commitments by the country to take additional future steps during the next year) that are recorded during the reporting period'' after ''compliance'';

(D) in subparagraph (F), by striking ''and'' at the end;

(E) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(H) for each country included in a different list than the country had been placed in the previous annual report, a detailed explanation of how the concrete actions (or lack of such actions) undertaken (or not undertaken) by the country during the previous reporting period contributed to such change, including a clear linkage between such actions and the minimum standards enumerated in section 108.'';

(2) in paragraph (2)—

(A) in subparagraph (A)(iii)—

(i) in subclause (I), by adding ''or'' at the end;

(ii) in subclause (II), by striking ''; or'' and inserting a period; and

(iii) by striking subclause (III);

(B) in subparagraph (B), by striking ''the last annual report'' and inserting ''April 1 of the previous year'';

(C) in subparagraph (D)(ii), by striking ''2 years'' and inserting ''1 year''; and

(D) in subparagraph (E)—

(i) in the subparagraph heading, by striking ''PUBLIC'' and inserting ''CONGRESSIONAL''; and

(ii) by striking ''shall provide'' and all that follows and inserting the following: ''shall—

''(i) provide a detailed description of the credible information supporting such determination on a publicly available website maintained by the Department of State; and

''(ii) offer to brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on any written plan submitted by the country under subparagraph (D)(ii)(I), with an opportunity to review the written plan.'';

(3) in paragraph (3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the semicolon at the end and inserting a period; and

(C) by adding at the end the following:

''(D) the extent to which the government of the country is devoting sufficient budgetary resources—

''(i) to investigate and prosecute acts of severe trafficking in persons;

''(ii) to convict and sentence persons responsible for such acts; and

''(iii) to obtain restitution for victims of human trafficking;

''(E) the extent to which the government of the country is devoting sufficient budgetary resources—

''(i) to protect and support victims of trafficking in persons; and

''(ii) to prevent severe forms of trafficking in persons; and

''(F) the extent to which the government of the country has consulted with domestic and international civil society organizations that resulted in concrete actions to improve the provision of services to victims of trafficking in persons.''; and

(4) by adding at the end the following:

''(4) ACTION PLANS FOR COUNTRIES UPGRADED TO TIER 2 WATCHLIST.—

''(A) IN GENERAL.—Not later than 180 days after the release of the annual Trafficking in Persons Report, the Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking and the Assistant Secretary of the appropriate regional bureau, in consultation with appropriate officials from the government of each country described in paragraph (2)(A)(ii), and with the assistance of the United States Ambassador or Charge d'Affaires in each country, shall—

''(i) prepare an action plan for each country upgraded from Tier 3 to Tier 2 Watchlist to further improve such country's tier ranking under this subsection; and

''(ii) present the relevant action plan to the government of each such country.

''(B) CONTENTS.—Each action plan prepared under this paragraph—

''(i) shall include specific concrete actions to be taken by the country to substantively address deficiencies preventing the country from meeting Tier 2 standards, based on credible information; and

''(ii) should be focused on short-term and multi-year goals.

''(C) BRIEFINGS.—The Ambassador-at-Large of the Office to Monitor and Combat Trafficking and all appropriate regional Assistant Secretaries shall make themselves available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of each action plan prepared under this paragraph.

''(D) SAVINGS PROVISION.—Nothing in this paragraph may be construed as modifying—

''(i) minimum standards for the elimination of trafficking under section 108; or

''(ii) the actions against governments failing to meet minimum standards under this section or the criteria for placement on the Special Watch List under paragraph (2).''.

SEC. 7. COMMUNICATION WITH GOVERNMENTS OF COUNTRIES DESIGNATED AS TIER 2 WATCH LIST COUNTRIES ON THE TRAFFICKING IN PERSONS REPORT.

(a) IN GENERAL.—Not less than annually, the Secretary of State shall provide, to the foreign minister of each country that has been downgraded to a ''Tier 2 Watch List'' country pursuant to the Trafficking in Persons report submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b))—

(1) a copy of the annual Trafficking in Persons report; and

(2) information pertinent to that country's downgrade, including—

(A) confirmation of the country's designation to the Tier 2 Watch List;

(B) the implications associated with such designation and the consequences for the country of a downgrade to Tier 3;

(C) the factors that contributed to the downgrade; and

(D) the steps that the country must take to be considered for an upgrade in status of designation.

(b) SENSE OF CONGRESS REGARDING COMMUNICATIONS.—It is the sense of Congress that, given the gravity of a Tier 2 Watch List designation, the Secretary of State should communicate the information described in subsection (a) to the foreign minister of any country downgraded to the Tier 2 Watch List.

SEC. 8. UNITED STATES SUPPORT FOR INTEGRATION OF ANTI-TRAFFICKING INTERVENTIONS IN MULTILATERAL DEVELOPMENT BANKS.

(a) REQUIREMENTS.—The Secretary of the Treasury, in consultation with the Secretary of State, acting through the Ambassador at Large for Monitoring and Combating Trafficking in Persons, shall instruct the United States Executive Director of each multilateral development bank to initiate discussions with the other executive directors and management of the respective multilateral development bank to—

(1) further develop anti-human trafficking provisions in relevant project development, safeguards, procurement, and evaluation policies;

(2) employing a risk-based approach, require human trafficking risk assessments and integration plans as a routine part of developing projects through existing, forthcoming or new mechanisms and processes;

(3) support analyses of the impact of severe forms of trafficking in persons on key indicators of economic and social development and of the benefits of reducing human trafficking on economic and social development;

(4) support the proactive integration of effective anti-trafficking interventions into projects with the objectives of enhancing development outcomes and reducing the incidence of severe forms of trafficking in project areas;

(5) increase the capacity of multilateral development banks and of recipient governments to conduct human trafficking risk assessments and integrate anti-trafficking interventions into projects;

(6) support the development of meaningful risk mitigation and reduction policies, regulations, and strategies within the multilateral development banks to reduce the incidence and prevalence of severe forms of trafficking in persons and enhance development outcomes that may be improved by reducing the incidence and prevalence of human trafficking; and

(7) support the inclusion of human trafficking risk analysis in the development of relevant country strategies by each multilateral development bank.

(b) BRIEFINGS.—The Secretary of the Treasury shall make relevant officials available to brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Appropriations of the House of Representatives on the implementation of this section.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREDERICK DOUGLASS TRAFFICKING VICTIMS PREVENTION AND PROTECTION REAUTHORIZATION ACT OF 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 628, H.R. 2200.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2200) to reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Programs to Support Victims and Persons Vulnerable to Human Trafficking

SEC. 101. GRANTS TO ASSIST IN THE RECOGNITION OF TRAFFICKING.

(a) GRANTS TO ASSIST IN RECOGNITION OF TRAFFICKING.—Section 106(b) of the Trafficking

Victims Protection Act of 2000 (22 U.S.C. 7104(b)) is amended—

(1) by striking ''The President'' and inserting the following:

''(1) IN GENERAL.—The President''; and

(2) by adding at the end the following:

''(2) GRANTS TO ASSIST IN THE RECOGNITION OF TRAFFICKING.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ESEA TERMS.—The terms 'elementary school', 'local educational agency', 'other staff', and 'secondary school' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(ii) HIGH-INTENSITY CHILD SEX TRAFFICKING AREA.—The term 'high-intensity child sex trafficking area' means a metropolitan area designated by the Director of the Federal Bureau of Investigation as having a high rate of children involved in sex trafficking.

''(iii) LABOR TRAFFICKING.—The term 'labor trafficking' means conduct described in section 103(9)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(B)).

''(iv) SCHOOL STAFF.—The term 'school staff' means teachers, nurses, school leaders and administrators, and other staff at elementary schools and secondary schools.

''(v) SEX TRAFFICKING.—The term 'sex trafficking' means the conduct described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A)).

''(B) IN GENERAL.—The Secretary of Health and Human Services may award grants to local educational agencies, in partnership with a nonprofit, nongovernmental agency, to establish, expand, and support programs—

''(i) to educate school staff to recognize and respond to signs of labor trafficking and sex trafficking; and

''(ii) to provide age-appropriate information to students on how to avoid becoming victims of labor trafficking and sex trafficking.

''(C) PROGRAM REQUIREMENTS.—Amounts awarded under this paragraph shall be used for—

''(i) education regarding—

''(I) avoiding becoming victims of labor trafficking and sex trafficking;

''(II) indicators that an individual is a victim or potential victim of labor trafficking or sex trafficking;

''(III) options and procedures for referring such an individual, as appropriate, to information on such trafficking and services available for victims of such trafficking;

''(IV) reporting requirements and procedures in accordance with applicable Federal and State law; and

''(V) how to carry out activities authorized under subparagraph (A)(ii); and

''(ii) a plan, developed and implemented in consultation with local law enforcement agencies, to ensure the safety of school staff and students reporting such trafficking.

''(D) PRIORITY.—In awarding grants under this paragraph, the Secretary shall give priority to local educational agencies serving a high-intensity child sex trafficking area.''.

(b) INCLUSION IN AUTHORIZATION OF APPROPRIATIONS.—Section 113(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110(b)(1)) is amended by striking ''section 107(b)'' and inserting ''sections 106(b) and 107(b)''.

SEC. 102. PREVENTING FUTURE TRAFFICKING IN THE UNITED STATES THROUGH RECEIPT OF COMPLAINTS ABROAD.

(a) IN GENERAL.—The Secretary of State shall ensure that each diplomatic or consular post or other mission designates an employee to be responsible for receiving information from—

(1) any person who was a victim of a severe form of trafficking in persons (as such term is defined in section 103(14) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(14))) while present in the United States; or

(2) any person who has information regarding a victim described in paragraph (1).

(b) PROVISION OF INFORMATION.—Any information received pursuant to subsection (a) shall be transmitted to the Department of Justice, the Department of Labor, the Department of Homeland Security, and to any other relevant Federal agency for appropriate response. The Attorney General, the Secretary of Labor, the Secretary of Homeland Security, and the head of any other such relevant Federal agency shall establish a process to address any actions to be taken in response to such information.

(c) ASSISTANCE FROM FOREIGN GOVERNMENTS.—The employee designated for receiving information pursuant to subsection (a) should coordinate with foreign governments or civil society organizations in the countries of origin of victims of severe forms of trafficking in persons, with the permission of and without compromising the safety of such victims, to ensure that such victims receive any additional support available.

SEC. 103. MODIFICATION TO GRANTS FOR VICTIMS SERVICES.

Section 107(b)(2)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)(A)) is amended by striking ''programs for'' and all that follows and inserting the following: ''programs for victims of human trafficking, including programs that provide trauma-informed care or housing options to such victims who are—

''(i)(I) between 12 and 24 years of age; and

''(II) homeless, in foster care, or involved in the criminal justice system;

''(ii) transitioning out of the foster care system; or

''(iii) women or girls in underserved populations.''.

Subtitle B—Governmental Efforts to Prevent Human Trafficking

SEC. 111. REQUIRED TRAINING TO PREVENT HUMAN TRAFFICKING FOR CERTAIN CONTRACTING AIR CARRIERS.

(a) IN GENERAL.—Section 40118 of title 49, United States Code, is amended by adding at the end the following:

''(g) TRAINING REQUIREMENTS.—The Administrator of General Services shall ensure that any contract entered into for provision of air transportation with a domestic carrier under this section requires that the contracting air carrier submits to the Administrator of General Services, the Secretary of Transportation, the Administrator of the Transportation Security Administration, and the Commissioner of U.S. Customs and Border Protection an annual report regarding—

''(1) the number of personnel trained in the detection and reporting of potential human trafficking (as described in paragraphs (9) and (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), including the training required under section 44734(a)(4);

''(2) the number of notifications of potential human trafficking victims received from staff or other passengers; and

''(3) whether the air carrier notified the National Human Trafficking Hotline or law enforcement at the relevant airport of the potential human trafficking victim for each such notification of potential human trafficking, and if so, when the notification was made.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any contract entered into after the date of enactment of this Act except for contracts entered into by the Secretary of Defense.

SEC. 112. PRIORITY FOR ACCOMMODATION IN PLACES WITH CERTAIN POLICIES RELATING TO CHILD SEXUAL EXPLOITATION.

(a) IN GENERAL.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''§ 5712. Priority for accommodation in places with certain policies relating to child sexual exploitation.

''(a) IN GENERAL.—For the purpose of making payments under this chapter for lodging expenses, each agency shall ensure, to the extent practicable, that commercial-lodging room nights in the United States for employees of that agency are booked in a preferred place of accommodation.

''(b) ELIGIBILITY AS A PREFERRED PLACE OF ACCOMMODATION.—A hotel, motel, or another place of public accommodation shall be considered a preferred place of accommodation if it—

''(1) enforces a zero-tolerance policy regarding the sexual exploitation of children (as described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))) developed by the Administrator of General Services under subsection (c)(1), or a similar zero-tolerance policy developed by the place of accommodation, which shall be demonstrated by—

''(A) attesting through the General Services Administration's website of the use of such zero-tolerance policy;

''(B) posting such policy in a nonpublic space within the place of accommodation that is accessible by all employees; or

''(C) including such policy in the employee handbook;

''(2) has procedures in place for employees to identify and report any such exploitation to the appropriate law enforcement authorities and hotel management;

''(3) posts the informational materials developed under subsection (c)(3) in an appropriate nonpublic space within the place of accommodation that is accessible by all employees;

''(4) requires each employee who is physically located at the place of accommodation and is likely to interact with guests, including security, front desk, housekeeping, room service, and bell staff, to complete the training described in subsection (c)(2), (c)(3), or (d), which shall—

''(A) take place—

''(i) not later than 180 days after the starting date of the employee; or

''(ii) in the case of an employee starting employment before the effective date of this section, not later than 180 days after the date of the enactment of this section;

''(B) include training on—

''(i) the identification of possible cases of sexual exploitation of children; and

''(ii) procedures to report suspected abuse to the appropriate authorities;

''(5) includes a notice to all independent contractors in any agreement negotiated or renewed on or after the date of the enactment of this section that states 'Federal law prohibits the trafficking of humans under the Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.)';

''(6) ensures that the place of accommodation does not retaliate against employees for reporting suspected cases of such exploitation if reported according to the protocol identified in the employee training; and

''(7) keeps records, to the extent permissible by law and on an individual hotel property basis, of each suspected case of such exploitation that is reported to accommodation management or law enforcement, including the date and approximate time of such report, and the name of the accommodation manager or law enforcement agency to which the report was made.

''(c) GSA REQUIREMENTS.—The Administrator of General Services shall—

''(1) develop, and make available on the General Services Administration publicly accessible website, a zero-tolerance policy for places of accommodation regarding the sexual exploitation of children (as described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))), including informational materials regarding such policy that could be posted in places of accommodation in nonpublic spaces;

''(2) make available on the website described in paragraph (1) a list of Federal Government and privately developed training programs that address—

''(A) the identification of possible cases of sexual exploitation of children; and

''(B) reporting such cases to law enforcement authorities;

''(3) coordinate with the Department of Homeland Security's Blue Campaign to develop—

''(A) training materials on preventing the sexual exploitation of children; and

''(B) informational materials to be posted in nonpublic spaces in places of accommodation on spotting the signs of sexual exploitation of children and reporting possible incidences of such exploitation; and

''(4) identify, and maintain a list of, each preferred place of accommodation that meets the requirements described in subsection (b) by examining places of accommodation that—

''(A) are enrolled in Federal Government travel programs, such as FedRooms;

''(B) are included on the Federal Emergency Management Agency's Hotel-Motel National Master List (commonly known as the 'Fire Safe List'); or

''(C) received Federal Government travel business during the 2-year period immediately preceding the date of the enactment of this section.

''(d) TRAINING PROGRAMS.—A place of accommodation or lodging company may use a training program developed or acquired by such place of accommodation or company to satisfy the requirements under subsection (b)(4) if such training program—

''(1) focuses on identifying and reporting suspected cases of sexual exploitation of children; and

''(2) was developed in consultation with a globally or nationally recognized organization with expertise in anti-trafficking initiatives.

''(e) PREVIOUSLY TRAINED EMPLOYEES.—

''(1) PRIOR TRAINING.—Any employee of a place of accommodation who was trained to identify and report potential sexual exploitation of children before the effective date of this section shall be considered to have met the training requirement under subsection (b)(4) with respect to any employment at that place of accommodation or at any other place of accommodation managed by the same entity.

''(2) TRAINING PRIOR TO TRANSFER OF EMPLOYMENT.—Any employee of a place of accommodation who has met the training requirements under subsection (b)(4) shall be considered to have met such requirements with respect to any employment at a place of accommodation managed by the same entity.

''(f) PROPERTY-BY-PROPERTY IMPLEMENTATION.—Compliance with the requirements under this section shall be assessed and enforced separately for each place of accommodation. Lack of compliance by 1 place of accommodation shall not impact the eligibility of affiliated places of accommodation to receive funds for Federal employee travel. Lack of compliance by a franchisee shall not impact the eligibility of the respective franchisor for other places of accommodation affiliated with that franchisor.

''(g) RULE OF CONSTRUCTION.—Nothing in this section that applies to an employee of a place of accommodation may be construed to apply to an individual who is an independent contractor or otherwise not directly employed by a place of accommodation.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5712. Priority for accommodation in places with certain policies relating to child sexual exploitation.''.

(c) RULEMAKING.—The Administrator of General Services shall issue such regulations as are necessary to carry out section 5712 of title 5, United States Code, as added by subsection (a).

(d) EFFECTIVE DATE.—Section 5712(a) of title 5, United States Code, as added by subsection (a), shall take effect on the later of—

(1) the date that is 1 year after the date of the enactment of this Act; and

(2) 60 days after the completion of the requirements under subsection (c) of such section.

SEC. 113. ENSURING UNITED STATES PROCUREMENT DOES NOT FUND HUMAN TRAFFICKING.

Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following:

''(k) AGENCY ACTION TO PREVENT FUNDING OF HUMAN TRAFFICKING.—

''(1) IN GENERAL.—At the end of each fiscal year, the Secretary of State, the Secretary of Labor, the Administrator of the United States Agency for International Development, and the Director of the Office of Management and Budget shall each submit a report to the Administrator of General Services that includes—

''(A) the name and contact information of the individual within the agency's Office of Legal Counsel or Office of Acquisition Policy who is responsible for overseeing the implementation of—

''(i) subsection (g);

''(ii) title XVII of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104a et seq.); and

''(iii) any regulation in the Federal Acquisition Regulation (48 C.F.R. 1 et seq.) that is related to any subject matter referred to in clause (i) or (ii);

''(B) agency action to ensure that contractors are educated on the applicable laws and regulations listed in subparagraph (A);

''(C) agency action to ensure that the acquisition workforce and agency officials understand implementation of the laws and regulations listed in subparagraph (A), including best practices for—

''(i) ensuring compliance with such laws and regulations;

''(ii) assessing the serious, repeated, willful, or pervasive nature of any violation of such laws or regulations; and

''(iii) evaluating steps contractors have taken to correct any such violation;

''(D)(i) the number of contracts containing language referring to the laws and regulations listed in subparagraph (A); and

''(ii) the number of contracts that did not contain any language referring to such laws and regulations;

''(E)(i) the number of allegations of severe forms of trafficking in persons received; and

''(ii) the source type of the allegation (such as contractor, subcontractor, employee of contractor or subcontractor, or an individual outside of the contract);

''(F)(i) the number of such allegations investigated by the agency;

''(ii) a summary of any findings from such investigations; and

''(iii) any improvements recommended by the agency to prevent such conduct from recurring;

''(G)(i) the number of such allegations referred to the Attorney General for prosecution under section 3271 of title 18, United States Code; and

''(ii) the outcomes of such referrals;

''(H) any remedial action taken as a result of such investigation, including whether—

''(i) a contractor or subcontractor (at any tier) was debarred or suspended due to a violation of a law or regulation relating to severe forms of trafficking in persons; or

''(ii) a contract was terminated pursuant to subsection (g) as a result of such violation;

''(I) any other assistance offered to agency contractors to ensure compliance with a law or regulation relating to severe forms of trafficking in persons;

''(J) any interagency meetings or data sharing regarding suspended or disbarred contractors or subcontractors (at any tier) for severe forms of trafficking in persons; and

''(K) any contract with a contractor or subcontractor (at any tier) located outside the United States and the country location, where safe to reveal location, for each such contractor or subcontractor.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Affairs of the House of Representatives;

''(B) the Committee on Armed Services of the House of Representatives;

''(C) the Committee on Education and the Workforce of the House of Representatives;

''(D) the Committee on the Judiciary of the House of Representatives;

''(E) the Committee on Oversight and Government Reform of the House of Representatives;

''(F) the Committee on Foreign Relations of the Senate;

''(G) the Committee on Armed Services of the Senate;

''(H) the Committee on the Judiciary of the Senate; and

''(I) the Committee on Health, Education, Labor, and Pensions of the Senate.''.

SEC. 114. TRAINING COURSE ON HUMAN TRAFFICKING AND GOVERNMENT CONTRACTING.

Any curriculum, including any continuing education curriculum, for the acquisition workforce used by the Federal Acquisition Institute established under section 1201 of title 41, United States Code, shall include at least 1 course, lasting at least 30 minutes, regarding the law and regulations relating to human trafficking and contracting with the Federal Government.

SEC. 115. MODIFICATIONS TO THE ADVISORY COUNCIL ON HUMAN TRAFFICKING.

The Survivors of Human Trafficking Empowerment Act (section 115 of Public Law 114–22; 129 Stat. 243) is amended—

(1) in subsection (f), by amending paragraph (2) to read as follows:

''(2) shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions under subchapter I of chapter 57 of title 5, United States Code.''; and

(2) in subsection (h), by striking ''2020'' and inserting ''2021''.

SEC. 116. SENSE OF CONGRESS ON STRENGTHENING FEDERAL EFFORTS TO REDUCE DEMAND.

It is the sense of Congress that—

(1) all Federal anti-trafficking training, including training under subsection (c) of the Combat Human Trafficking Act of 2015 (34 U.S.C. 20709(c)) and section 107(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) provided to Federal judges, prosecutors, and State and local law enforcement officials, should—

(A) explain the circumstances under which sex buyers are considered parties to the crime of trafficking;

(B) provide best practices for arresting or prosecuting buyers of illegal sex acts as a form of sex trafficking prevention; and

(C) specify that any comprehensive approach to eliminating sex and labor trafficking must include a demand reduction component; and

(2) any request for proposals for grants or cooperative agreement opportunities issued by the Attorney General with respect to the prevention of trafficking should include specific language with respect to demand reduction.

SEC. 117. SENSE OF CONGRESS ON THE SENIOR POLICY OPERATING GROUP.

It is the sense of Congress that the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)) should create a working group to examine the role of demand reduction, both domestically and internationally, in achieving the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et

seq.) and the Justice for Victims of Trafficking Act (Public Law 114–22; 129 Stat. 227).

SEC. 118. BEST PRACTICES TO PREVENT FORCED CHILD LABOR TRAFFICKING.

It is the sense of the Congress that—

(1) the United States Government condemns, in the strongest terms, forced child labor, including in situations of trafficking; and

(2) the President should work with the private sector to develop best practices and guidance for preventing forced child labor and indentured servitude, including in situations of trafficking.

Subtitle C—Preventing Trafficking in Persons in the United States

SEC. 121. DEMAND REDUCTION STRATEGIES IN THE UNITED STATES.

(a) DEPARTMENT OF JUSTICE TASK FORCE.—Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (Q)(vii), by striking ''and'' at the end;

(2) in subparagraph (R), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(S) tactics and strategies employed by human trafficking task forces sponsored by the Department of Justice to reduce demand for trafficking victims.''.

(b) REPORT ON STATE ENFORCEMENT.—Subsection (e)(1)(A) of the Combat Human Trafficking Act of 2015 (34 U.S.C. 20709(e)(1)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''rates'' and inserting ''number'';

(2) by inserting '', noting the number of covered offenders'' after ''covered offense'' each place such term appears;

(3) in clause (i), by striking ''arrest'' and inserting ''arrests'';

(4) in clause (ii), by striking ''prosecution'' and inserting ''prosecutions''; and

(5) in clause (iii), by striking ''conviction'' and inserting ''convictions''.

SEC. 122. DESIGNATION OF A LABOR PROSECUTOR TO ENHANCE STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

Section 204(a)(1) of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20705(a)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) as appropriate, to designate at least 1 prosecutor for cases of severe forms of trafficking in persons (as such term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).''.

SEC. 123. PREVENTING HUMAN TRAFFICKING IN FOREIGN MISSIONS AND DIPLOMATIC HOUSEHOLDS.

Section 203(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375c(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''for such period as the Secretary determines necessary'' and inserting ''for a period of at least 1 year, except if the Secretary determines and reports to the appropriate congressional committees, in advance, the reasons a shorter period is in the national interest,''; and

(B) by striking ''the Secretary determines'' and all that follows and inserting ''there is an unpaid default or final civil judgement directly or indirectly related to human trafficking against the employer or a family member assigned to the embassy, or the diplomatic mission or international organization hosting the employer or family member has not responded affirmatively to a request to waive immunity within 6 weeks of the request in a case brought by the United States Government and the country that accredited the employer or family member or, in the case of international organizations, the country of citizenship, has not initiated prosecution against the employer or family member.''; and

(2) in paragraph (3), by striking ''a mechanism is in place'' and inserting '', as applicable, the unpaid default judgment or final civil judgement has been resolved, the diplomatic mission or international organization hosting the employer or family member has waived immunity for the employer or family member or the country that accredited the employer or family member or the country of citizenship of the employer or family member completed the prosecution of the employer or family member, and the diplomatic mission or international organization hosting the employer or family member has a mechanism in place''.

SEC. 124. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.

Section 111(a)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', or section 1263 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note),'' after ''1701)'' the second place it appears; and

(2) by adding at the end the following:

''(D) Officials of a foreign government who participate in, facilitate, or condone severe forms of trafficking in persons for significant financial gain.''.

Subtitle D—Monitoring Child, Forced, and Slave Labor

SEC. 131. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign assistance that addresses poverty alleviation and humanitarian disasters reduces the vulnerability of men, women, and children to human trafficking and is a crucial part of the response of the United States to modern-day slavery;

(2) the Deputy Under Secretary of the Bureau of International Labor Affairs of the Department of Labor and the grant programs administered by the Deputy Under Secretary play a critical role in preventing and protecting children from the worst forms of child labor, including situations of trafficking, and in reducing the vulnerabilities of men and women to situations of forced labor and trafficking; and

(3) the Secretary of Labor also plays a critical role in helping other Federal departments and agencies to prevent goods made with forced and child labor from entering the United States by consulting with such departments and agencies to reduce forced and child labor internationally and ensuring that products made by forced labor and child labor in violation of international standards are not imported into the United States.

SEC. 132. REPORT ON THE ENFORCEMENT OF SECTION 307 OF THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the committees listed in subsection (b) that describes any obstacles or challenges to enforcing section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(b) COMMITTEES.—The committees listed in this subsection are—

(1) the Committee on Foreign Affairs of the House of Representatives;

(2) the Committee on Financial Services of the House of Representatives;

(3) the Committee on Energy and Commerce of the House of Representatives;

(4) the Committee on the Judiciary of the House of Representatives;

(5) the Committee on Ways and Means of the House of Representatives;

(6) the Committee on Foreign Relations of the Senate;

(7) the Committee on Health, Education, Labor, and Pensions of the Senate;

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

(9) the Committee on the Judiciary of the Senate; and

(10) the Committee on Finance of the Senate.

(c) REQUIREMENTS.—The report required under subsection (a) shall—

(1) describe the role and best practices of private sector employers in the United States in complying with the provisions of section 307 of the Tariff Act of 1930;

(2) describe any efforts or programs undertaken by relevant Federal, State, or local government agencies to encourage employers, directly or indirectly, to comply with such provisions;

(3) describe the roles of the relevant Federal departments and agencies in overseeing and regulating such provisions, and the oversight and enforcement mechanisms used by such departments or agencies;

(4) provide concrete, actual case studies or examples of how such provisions are enforced;

(5) identify the number of petitions received and cases initiated (whether by petition or otherwise) or investigated by each relevant Federal department or agency charged with implementing and enforcing such provisions, as well as the dates petitions were received or investigations were initiated, and their current statuses;

(6) identify any enforcement actions during the most recent 10 years, including—

(A) the issuance of Withhold Release Orders;

(B) the detention of shipments;

(C) the issuance of civil penalties; and

(D) the formal charging with criminal charges relating to the forced labor scheme taken as a result of petitions and investigations identified pursuant to paragraph (5), organized by type of action, date of action, commodity, and country of origin;

(7) with respect to any relevant petition filed during the 10-year period immediately preceding the date of the enactment of this Act with the relevant Federal departments and agencies tasked with implementing such provisions, list the specific products, country of origin, manufacturer, importer, end-user or retailer, and outcomes of any investigation;

(8) identify any gaps that may exist in enforcement of such provisions;

(9) describe the engagement of the relevant Federal departments and agencies with stakeholders, including the engagement of importers, forced labor experts, and nongovernmental organizations; and

(10) based on the information required under paragraphs (1) through (9)—

(A) identify any regulatory obstacles or challenges to enforcement of such provisions; and

(B) provide recommendations for actions that could be taken by the relevant Federal departments and agencies to overcome such obstacles.

SEC. 133. MODIFICATION TO LIST OF CHILD-MADE AND SLAVERY-MADE GOODS.

(a) IN GENERAL.—Section 105(b)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)(C)) is amended by inserting '', including, to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor'' after ''international standards''.

(b) INCLUSION IN AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations under section 113(f) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110(f)), as amended by section 301, are authorized to be made available to carry out the purposes described in section 105(b)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)), as amended by subsection (a).

TITLE II—FIGHTING HUMAN TRAFFICKING ABROAD

Subtitle A—Efforts to Combat Trafficking

SEC. 201. INCLUDING THE SECRETARY OF THE TREASURY AND THE UNITED STATES TRADE REPRESENTATIVE AS A MEMBER OF THE INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting ''the Secretary of the Treasury, the United States Trade Representative,'' after ''the Secretary of Education,''.

SEC. 202. ENCOURAGING COUNTRIES TO MAINTAIN AND SHARE DATA ON HUMAN TRAFFICKING EFFORTS.

Section 108(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''the capacity'' and inserting ''a demonstrably increasing capacity''; and

(B) by striking the last sentence; and

(2) in paragraph (7)—

(A) by striking ''consistent with its resources'' and inserting '', consistent with a demonstrably increasing capacity of such government to obtain such data,''; and

(B) by striking the last sentence.

SEC. 203. APPROPRIATE LISTING OF GOVERNMENTS INVOLVED IN HUMAN TRAFFICKING.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(iii)(I)—

(i) by striking ''absolute'' and inserting ''estimated''; and

(ii) by inserting ''and the country is not taking proportional concrete actions'' before the semicolon at the end; and

(B) by adding at the end the following:

''(F) SPECIAL RULE FOR CERTAIN COUNTRIES ON SPECIAL WATCH LIST THAT ARE DOWNGRADED AND REINSTATED ON SPECIAL WATCH LIST.—Notwithstanding subparagraphs (D) and (E), a country may not be included on the special watch list described in subparagraph (A)(iii) for more than 1 consecutive year after the country—

''(i) was included on the special watch list described in subparagraph (A)(iii) for—

''(I) 2 consecutive years after the date of the enactment of subparagraph (D); and

''(II) any additional years after such date of enactment as a result of the President exercising the waiver authority under subparagraph (D)(ii); and

''(ii) was subsequently included on the list of countries described in paragraph (1)(C).''; and

(2) in paragraph (3)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii) and moving such clauses 2 ems to the right;

(B) in the matter preceding clause (i), as redesignated, by striking ''In determinations'' and inserting the following:

''(A) IN GENERAL.—In determinations''; and

(C) by adding at the end the following:

''(B) PROOF OF FAILURE TO MAKE SIGNIFICANT EFFORTS.—In addition to the considerations described in clauses (i), (ii), and (iii) of subparagraph (A), in determinations under paragraph (1)(C) as to whether the government of a country is not making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider, as proof of failure to make significant efforts, a government policy or pattern of—

''(i) trafficking;

''(ii) trafficking in government-funded programs;

''(iii) forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors);

''(iv) sexual slavery in government camps, compounds, or outposts; or

''(v) employing or recruiting child soldiers.''.

SEC. 204. REQUIREMENTS FOR STRATEGIES TO PREVENT TRAFFICKING.

(a) REPORT ON NEW PRACTICES TO COMBAT TRAFFICKING.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 7 years, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(A) describes any practices adopted by the Department of State or the United States Agency for International Development to better combat trafficking in persons, in accordance with the report submitted under section 101(b)(4) of the Trafficking Victims Protection Reauthorization Act of 2005, in order to reduce the risk of trafficking in post-conflict or post-disaster areas; or

(B) if no practices referred to in subparagraph (A) have been adopted, includes a strategy to reduce the risk of trafficking in such areas.

(2) PUBLIC AVAILABILITY.—Each report submitted under paragraph (1) shall be posted on a publicly available internet website of the Department of State.

(b) CHILD PROTECTION STRATEGIES IN WATCH LIST COUNTRIES.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall incorporate into the relevant country development cooperation strategy for each country on the list described in paragraph (1)(C) of section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) or the special watch list described in paragraph (2)(A)(iii) of such section, strategies for the protection of children and the reduction of the risk of trafficking.

(2) COMPONENTS.—The child protection and trafficking reduction strategies required under paragraph (1) shall—

(A) address the root causes of insecurity that leave children and youth vulnerable to trafficking; and

(B) include common metrics and indicators to monitor progress across Federal agencies to prevent, address, and end violence against children and youth globally in post-conflict and post-disaster areas.

SEC. 205. BRIEFING ON COUNTRIES WITH PRIMARILY MIGRANT WORKFORCES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall provide a briefing to the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that includes, with respect to each country that has a domestic workforce of which more than 80 percent are third-country nationals—

(1) an assessment of the progress made by the government of such country toward implementing the recommendations with respect to such country contained in the most recent Trafficking in Persons Report submitted by the Secretary under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), as amended by section 203 of this Act; and

(2) a description of the efforts made by the United States to ensure that any domestic worker brought into the United States by an official of such country is not a victim of trafficking.

SEC. 206. REPORT ON RECIPIENTS OF FUNDING FROM THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

Not later than 90 days after the date of the enactment of this Act, and by October 1 of each of the following 4 years, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that describes, with respect to the prior fiscal year—

(1) each obligation or expenditure of Federal funds by the Agency for the purpose of combating human trafficking and forced labor; and

(2) with respect to each such obligation or expenditure, the program, project, activity, primary recipient, and any subgrantees or subcontractors.

Subtitle B—Child Soldier Prevention Act of 2018

SEC. 211. FINDINGS.

Congress finds the following:

(1) The recruitment or use of children in armed conflict is unacceptable for any government or government-supported entity receiving United States assistance.

(2) The recruitment or use of children in armed conflict, including direct combat, support roles, and sexual slavery, occurred during 2016 or 2017 in Afghanistan, Iran, Mali, Niger, South Sudan, Sudan, Burma, the Democratic Republic of the Congo, Iraq, Nigeria, Rwanda, Somalia, Syria, and Yemen.

(3) Entities of the Government of Afghanistan, particularly the Afghan Local Police and Afghan National Police, continue to recruit children to serve as combatants or as servants, including as sex slaves.

(4) Police forces of the Government of Afghanistan participate in counterterrorism operations, direct and indirect combat, security operations, fight alongside regular armies, and are targeted for violence by the Taliban and other opposition groups.

(5) In February 2016, a 10-year-old boy was assassinated by the Taliban after he had been publicly honored by Afghan local police forces for his assistance in combat operations against the Taliban.

(6) Recruitment and use of children in armed conflict by government forces has continued in South Sudan with the return to hostilities.

(7) At least 19,000 children have been recruited since South Sudan's civil war began in 2013.

SEC. 212. AMENDMENTS TO THE CHILD SOLDIERS PREVENTION ACT OF 2008.

(a) DEFINITIONS.—Section 402(2) of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c(2)) is amended—

(1) in subparagraph (A), by inserting '', police, or other security forces'' after ''governmental armed forces'' each place such term appears; and

(2) in subparagraph (B), by striking ''clauses'' and inserting ''clause''.

(b) PROHIBITION.—Section 404 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1) is amended—

(1) in subsection (a)—

(A) by inserting '', police, or other security forces,'' after ''governmental armed forces''; and

(B) by striking ''recruit and use child soldiers'' and inserting ''recruit or use child soldiers'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) NOTIFICATION.—

''(A) IN GENERAL.—Not later than 45 days after the date on which each report is submitted under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the Secretary of State shall formally notify each government included in the list under paragraph (1) that such government is included in such list.

''(B) CONGRESSIONAL NOTIFICATION.—As soon as practicable after making all of the notifications required under subparagraph (A) with respect to a report, the Secretary of State shall notify the appropriate congressional committees that the requirements of subparagraph (A) have been met.'';

(3) in subsection (c)(1), by inserting before the period at the end the following: ''and certifies to the appropriate congressional committees that the government of such country is taking effective and continuing steps to address the problem of child soldiers''; and

(4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''to a country'' and all that follows through ''subsection (a)'' and inserting ''under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) through the Defense Institute for International Legal Studies or the Center for Civil-Military Relations at the Naval Post-Graduate School, and may provide nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code), to a country subject to the prohibition under subsection (a)''.

(c) REPORTS.—Section 405 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–2) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking '', during any of the 5 years following the date of the enactment of this Act,''; and

(ii) by striking ''wavier'' and inserting ''waiver'';

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

''(2) a description and the amount of any assistance withheld under this title pursuant to the application to those countries of the prohibition in section 404(a);''; and

(D) in paragraph (5), as redesignated, by inserting ''and the amount'' after ''a description''; and

(2) by adding at the end the following:

''(d) INFORMATION TO BE INCLUDED IN ANNUAL TRAFFICKING IN PERSONS REPORT.—If the Secretary of State notifies a country pursuant to section 404(b)(2), or the President grants a waiver pursuant to section 404(c)(1), the Secretary of State shall include, in each report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the information required to be included in the annual report to Congress under paragraphs (1) through (5) of subsection (c).''.

(d) ELIMINATION OF CHILD SEXUAL ASSAULT BY AFGHAN SECURITY FORCES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State and the Department of Defense should fully implement the recommendations in the Special Inspector General for Afghanistan Reconstruction's 2017 report on Child Sexual Assault in Afghanistan.

(2) REPORT ON STATUS OF IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall report to the appropriate congressional committees on the status of implementation, within their respective departments, of each recommendation included in the report referenced in paragraph (1).

(3) REPORT ON INTERAGENCY EFFORTS TO MONITOR ABUSES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall report to the appropriate congressional committees on the status of interagency efforts to establish effective, coherent, and discrete reporting by United States personnel on child sexual abuse by Afghan security forces with whom they train or advise or to whom they provide assistance.

(4) PRIORITIZATION AT MINISTERIAL CONFERENCE ON AFGHANISTAN.—The Department of State shall ensure that the issue of child sexual assault by Afghan security forces is incorporated and elevated as an issue of international concern and focus at the next Ministerial Conference on Afghanistan, scheduled for November 27-28, 2018, in Geneva, Switzerland, with the goal of ending the illegal but ongoing practice known as ''bacha bazi''.

(5) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS UNDER THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

Section 113 of the Trafficking Victims Prevention Act of 2000 (22 U.S.C. 7110) is amended—

(1) by amending subsection (a) to read as follows:

''(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.—There are authorized to be appropriated to the Department of State, for each of the fiscal years 2018 through 2021, $13,822,000 for Diplomatic and Consular Programs of the Office to Monitor and Combat Trafficking in Persons, which shall be used to carry out sections 105(e), 105(f), and 110, including for additional personnel.'';

(2) in subsection (b)(1), by striking ''$14,500,000 for each of the fiscal years 2014 through 2017'' and inserting ''$19,500,000 for each of the fiscal years 2018 through 2021, of which $3,500,000 is authorized to be appropriated for each fiscal year for the National Human Trafficking Hotline.'';

(3) in subsection (c), by amending paragraph (1) to read as follows:

''(1) ASSISTANCE TO COMBAT TRAFFICKING.—There are authorized to be appropriated to the Department of State, for each of the fiscal years 2018 through 2021, $65,000,000, which shall be used—

''(A) to carry out sections 106 and 107(a);

''(B) to carry out section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d);

''(C) to assist countries in meeting the minimum standards described in section 108; and

''(D) for programs and activities on prevention, protection, and prosecution to combat all forms of trafficking in persons internationally, including training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.''; and

(4) in subsection (f), by striking ''2014 through 2017'' and inserting ''2018 through 2021.''.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS UNDER THE INTERNATIONAL MEGAN'S LAW.

Section 11 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (34 U.S.C. 21509) is amended by striking ''2017 and 2018'' and inserting ''2018 through 2021''.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR AIRPORT PERSONNEL TRAINING TO IDENTIFY AND REPORT HUMAN TRAFFICKING VICTIMS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection $250,000 for each of the fiscal years 2018 through 2021 to expand outreach and live onsite anti-trafficking training for airport and airline personnel.

Mr. MCCONNELL. I ask unanimous consent that the Murray amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; and the bill, as amended, be considered read the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4107) was agreed to, as follows:

(Purpose: To strike the section of the bill establishing preferred places of accommodation for Federal employees and for other purposes)

On page 53, line 9, insert '', in consultation with the Secretary of Education and the Secretary of Labor,'' after ''Services''.

On page 57, line 16, insert ''the Secretary of Labor'' after ''Administration,''.

Beginning on page 58, strike line 14 and all that follows through page 65, line 14.

On page 71, strike lines 1 through 25.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The amendments were ordered to be engrossed and the bill, as amended, to be read a third time.

The bill was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate? Hearing none, the question is, Shall the bill pass?

The bill (H.R. 2200), as amended, was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODERNIZING RECREATIONAL FISHERIES MANAGEMENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 441, S. 1520.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1520) to expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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

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

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

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

SEC. 2. FINDINGS.

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

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

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

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

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

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

(A) Recreational fishing.

(B) Charter fishing.

(C) Commercial fishing.

TITLE I—CONSERVATION AND MANAGEMENT

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

(a) STUDY OF ALLOCATIONS IN MIXED-USE FISHERIES.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce shall enter into an arrangement with the National Academy of Sciences to conduct a study of South Atlantic and Gulf of Mexico mixed-use fisheries—

(1) to provide guidance to each applicable Council on criteria that could be used for allocating fishing privileges, including consideration of the ecological, economic, and social factors of each component of a mixed-use fishery, in the preparation of a fishery management plan;

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

(3) to develop procedures for allocation reviews and potential adjustments in allocations.

(b) REPORT.—Not later than 1 year after the date an arrangement is entered into under subsection (a), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under that subsection.

(c) PROCESS FOR ALLOCATION REVIEW AND ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, an applicable Council shall perform a review of the allocations to the commercial fishing sector and the recreational fishing sector of all applicable fisheries in its jurisdiction, consistent with the provisions of this Act.

(2) CONSIDERATIONS.—In conducting a review under paragraph (1), an applicable Council shall consider, in each allocation decision, the ecological, economic, and social factors of—

(A) the commercial fishing sector; and

(B) the recreational fishing sector.

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

(1) the South Atlantic Fishery Management Council; or

(2) the Gulf of Mexico Fishery Management Council.

SEC. 102. FISHERY MANAGEMENT MEASURES.

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

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

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

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

''(8) have the authority to use fishery management measures in a recreational fishery (or the recreational component of a mixed-use fishery) in developing a fishery management plan, plan amendment, or proposed regulations, such as extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities; and''.

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

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

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

(a) STUDY ON LIMITED ACCESS PRIVILEGE PROGRAMS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Ocean Studies Board of the National Academies of Sciences, Engineering, and Medicine shall—

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

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

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

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

(iv) recommendations of policies to address any impacts identified under clause (iii); and

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

(B) submit to the appropriate committees of Congress a report on the study under subparagraph (A), including the recommendations under clauses (iv) and (v) of subparagraph (A).

(2) EXCLUSION.—The study described in this subsection shall not include the areas covered by the North Pacific Fishery Management Council.

(b) TEMPORARY MORATORIUM.—

(1) IN GENERAL.—Except as provided in paragraph (2), with respect to applicable Councils, there shall be a moratorium on the submission and approval of a limited access privilege program for a mixed-used fishery for 2 years after the date of enactment of this Act.

(2) EXCEPTION.—Subject to paragraph (3), an applicable Council may submit, and the Secretary of Commerce may approve, for a mixed-use fishery that is managed under a limited access system, a limited access privilege program if such program was part of a pending fishery management plan or plan amendment before the date of enactment of this Act.

(3) MANDATORY REVIEW.—An applicable Council that approves a limited access privilege program under paragraph (2) shall, upon issuance of the report required under subparagraph (a), review and, to the extent practicable, revise the limited access privilege program to be consistent with the recommendations of the report or any subsequent statutory or regulatory requirements designed to implement the recommendations of the report.

(4) LIMITED ACCESS PRIVILEGE PROGRAM.—Nothing in this section may be construed to affect a limited access privilege program approved by the Secretary of Commerce before the date of enactment of this Act.

(5) APPLICABLE COUNCIL.—In this subsection, the term ''applicable Council'' means—

(A) the Gulf of Mexico Fishery Management Council;

(B) the South Atlantic Fishery Management Council; or

(C) the Mid-Atlantic Fishery Management Council.

SEC. 104. REBUILDING OVERFISHED FISHERIES.

Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) in paragraph (4), by amending subparagraph (A)(ii) to read as follows:

''(ii) not exceed the shortest time possible within which the stock of fish would be rebuilt without fishing occurring, plus one mean generation, unless management measures under international agreement in which the United States participates dictate otherwise;''; and

(2) in paragraph (7)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii);

(B) by striking ''(7) The Secretary'' and inserting the following:

''(7)(A) The Secretary'';

(C) by striking ''If the Secretary'' and inserting the following:

''(B) If the Secretary'';

(D) in subparagraph (A), as so redesignated, by striking ''two years'' and inserting the following: ''2 years. The Secretary shall find that adequate progress toward ending overfishing and rebuilding affected fish stocks has not resulted if—

''(i) the status of the stock is not improving, such that it becomes unlikely that the stock will be rebuilt within the rebuilding time period;

''(ii) the applicable fishing mortality rate or catch limits are exceeded, and the causes and rebuilding consequences of such exceedances have not been corrected;

''(iii) the rebuilding expectations are significantly changed due to new information about

the status of the stock, and the new information indicates that less progress than expected has been made toward rebuilding the stock; or

''(iv) for other reasons, as appropriate.''; and

(E) by adding at the end the following:

''(C) A Council shall not adopt, and the Secretary shall not approve, a fishery management plan, plan amendment, or proposed regulation required under this subsection for any fishery that has previously been under such a plan that did not rebuild such fishery to the biomass necessary to achieve maximum sustainable yield, as determined by the Council's scientific and statistical committee, unless the new plan, amendment, or proposed regulation has at least a 75 percent chance of rebuilding the fishery within the time limit proposed by the Council, as calculated by the Council's scientific and statistical committee pursuant to section 302(g)(1)(B).''.

SEC. 105. AUTHORIZATION FOR MULTISPECIES COMPLEXES AND MULTIYEAR CATCH LIMITS.

Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

''(m) AUTHORIZATION FOR MULTISPECIES COMPLEXES AND MULTIYEAR CATCH LIMITS.—For purposes of subsection (h)(6), a Council may establish—

''(1) an annual catch limit for a stock complex; or

''(2) annual catch limits for each year in any continuous period that is not more than 3 years in duration.''.

SEC. 106. EXEMPTED FISHING PERMITS.

(a) OBJECTIONS.—If the Fishery Management Council, the Interstate Marine Fisheries Commission, or the fish and wildlife agency of an affected State objects to the approval and issuance of an exempted fishing permit under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation, the Regional Administrator of the National Marine Fisheries Service who issued such exempted fishing permit shall respond to such entity in writing detailing why such exempted fishing permit was issued.

(b) 12-MONTH FINDING.—At the end of the 12-month period beginning on the date the exempted fishing permit is issued under section 600.745 of title 50, Code of Federal Regulations, or any successor regulation, the Council that prepared the fishery management plan, or the Secretary in the case of a fishery management plan prepared and implemented by the Secretary, shall review the exempted fishing permit and determine whether any unintended negative impacts have occurred that would warrant the discontinuation of the permit.

(c) SAVINGS PROVISION.—Nothing in this section may be construed to affect an exempted fishing permit approved under section 600.745 of title 50, Code of Federal Regulations, before the date of enactment of this Act.

TITLE II—RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

SEC. 201. COOPERATIVE DATA COLLECTION.

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

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

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

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

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

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

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

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

(1) prioritizing the evaluation of electronic data collection, including smartphone applications, electronic diaries for prospective data collection, and an internet website option for panel members or for the public;

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

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

SEC. 202. RECREATIONAL DATA COLLECTION.

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

(1) in subsection (g)—

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

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

''(4) FEDERAL-STATE PARTNERSHIPS.—

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

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

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

''(i) the estimated accuracy of—

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

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

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

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

''(D) STATES GRANT PROGRAM.—The Secretary may make grants to States to improve implementation of State programs consistent with this subsection, and assist such programs in complying with requirements related to changes in recreational data collection under paragraph (3). Any funds awarded through such grants shall be used to support data collection, quality assurance, and outreach to entities submitting such data. The Secretary shall prioritize such grants based on the ability of the grant to improve the quality and accuracy of such programs.''; and

(2) by adding at the end the following:

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

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

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

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

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

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

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

TITLE III—RULE OF CONSTRUCTION

SEC. 301. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as modifying the requirements of sections 301(a), 302(h)(6), or 303(a)(15) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a); 1852(h)(6); 1853(a)(15)).

Mr. MCCONNELL. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Wicker substitute amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 4115) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1520, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM BILL

Mr. BOOZMAN. Mr. President, I rise today to applaud my colleagues for coming together in a bipartisan fashion to pass the farm bill conference report.

There is much to be excited about in the final version of this 5-year reauthorization. First and foremost, the farm bill will bring much needed certainty and predictability to farmers and ranchers over the next 5 years. This is especially important given the intense pressure our agriculture producers are facing.

If you look at the numbers across the Nation, net farm income is approximately half of what it was when we passed the last farm bill. Farm bankruptcies are up by 39 percent since 2014; financing has become more expensive; commodity prices have plummeted; input costs are rising; and the trade outlook is volatile and uncertain, to say the least.

Farmers across the country—regardless of where they call home or which crops they grow—are hurting. The farm bill that Congress approved last week, delivers meaningful and real relief for our farmers and ranchers in these very difficult times. It is the big bill for my home State of Arkansas as well as across the country.

Agriculture is a driving force of the Natural State's economy, adding around $16 billion to our economy every year and accounting for approximately one in every six jobs. That is why agriculture advocacy groups in Arkansas were very excited when we passed the final version.

The Arkansas Farm Bureau said it was ''pleased that Congress has recognized how important the new farm bill is to the hard-working farmers and ranchers of this country'' and expressed gratitude that we came together ''to pass this critical legislation before the new year.''

The Agricultural Council of Arkansas said it ''cannot stress enough the importance of the farm bill and the need for it among Arkansas farmers.'' The council went on to add ''a farm bill with meaningful support is critical in preventing significant harm to Arkansas farms.''

The Arkansas Rice Federation said the farm bill will provide ''certainty in such a variable agricultural climate.''

Along with strengthening key risk management tools for our farmers, the farm bill also helps our rural communities by authorizing key economic development and job creation programs. It helps rural Arkansans with everything from combating the opioid crisis, to home financing, to high-speed internet access.

Sending this bill to the President is about as important as it gets for my State. It would not have been as beneficial to Arkansas farmers and ranchers without the diligent efforts of the conference committee leadership who worked to ensure that the harmful, arbitrary policy changes were excluded from the final conference report. As a result of these efforts, family farms are protected from additional regulations and unnecessary paperwork.

I commend Chairmen ROBERTS and CONWAY, as well as Ranking Members STABENOW and PETERSON, for their commitment to make this bill fair and equitable to the diverse needs of producers across all regions of the country.

Again, as always, special thanks to the staffs who do so much hard work around here to get these things done. It was a heavy lift. They worked hard to ensure that we would get this done before adjourning this Congress.

I would also like to thank them for their willingness to include provisions that I advocated for in the conference report. The elimination of all State performance bonuses in SNAP is something I pushed for in the last farm bill. I am pleased that this time we got it included. The Federal Government partners with States to administer SNAP, but in order to best serve program recipients, the States must be good partners. Unfortunately, States have exaggerated their performance to receive these bonuses. This policy change saves $48 million per year. Is a smart reform that we have made in this bill.

I was particularly proud that another provision, championed by my friend Senator HEITKAMP and by me, was included. It would allow trade promotion funding for agricultural products to be used in Cuba. This is a big win for our farmers and ranchers who have consistently been working to open up more access to the Cuban market.

Cuba imports approximately 80 percent of its food, and our farmers and ranchers produce the highest quality, lowest cost, and safest food in the world.

Additionally, I welcomed the inclusion of my provision that clarifies the definition of livestock to include live fish for purposes of the Department of Transportation's hours of service regulations, as well as reauthorization of the ATTRA Program, which does so much to help our veterans who want to get started in agriculture, and reauthorization of the Delta Regional Authority.

The farm bill conference report includes a true investment in conservation to help the waterfowl in Arkansas, and I was excited to see the Century Farms Act that Senator MURPHY and I authored was also a part of the package.

With approval of the conference report last week, we are just one step away from the farm bill becoming law. President Trump has indicated his support of a farm bill that will ensure certainty and predictability for producers. We are sending one his way, and I look forward to it becoming law.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator suspend a moment?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SAVE OUR SEAS ACT OF 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 756, which the clerk will report.

The bill clerk read as follows:

House message to accompany S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the bill, with McConnell (for Grassley) amendment No. 4108, to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison.

Division I of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

Division II of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

Division III of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

TRIBUTE TO LYNN JENKINS

Mr. MORAN. Mr. President, I am on the floor this afternoon to honor a friend, a colleague, and the senior Representative from Kansas, Congresswoman LYNN JENKINS, who has gracefully and honorably served Kansas for two decades in both our State and here in the Federal Government.

While I am going to talk a little bit about LYNN's history and past, none of this should be taken just as something that is being read in her honor. She is a very special person who has served Kansas so well, and she brings such tremendous attributes to public service. We will miss her greatly, and Kansans will have benefited from her service, but she will also remain a role model for many who look for ways to make America and to make our State more prosperous, with a brighter future.

Congresswoman JENKINS grew up on a farm outside of Holton, KS—a small town just about 100 miles away from Kansas City, just north of Topeka, where she learned the value of hard work and perseverance. You cannot meet somebody who grew up working on a dairy farm without determining that they have those attributes, and LYNN has exemplified that in every endeavor.

She was taught that what needed to be done was something she would do. When you do it, you do it right, and every day you need to step up and do your job to make certain things get done. That is a dairy farmer, and that is LYNN JENKINS as a Member of the U.S. Congress.

Before becoming a Member of Congress and before being elected in Kansas, LYNN was a CPA—a certified public accountant. She recognized a real need for financial reform as a result of that experience, and she used her skills as a CPA to benefit Kansas.

In 2003, LYNN was elected the 37th Kansas State treasurer. LYNN then took that same tax and financial experience to Washington, DC, where she was elected the Congresswoman from the Second District of our State.

After her election to the U.S. House of Representatives, LYNN quickly rose to become one of the highest ranking Members of Congress, serving today as the vice chair of the House Republican caucus; she served in that capacity for 4 years. She is a senior member of the House Ways and Means Committee.

It goes without saying that in addition to her background as a CPA, her intellect, and her service-oriented mindset, LYNN is one of the most beloved Kansans we have. We meet with many of the same groups here in Kansas and in Washington, DC, and I know that visiting with LYNN is, without a doubt, one of the highlights for Kansans who come to Washington, DC.

LYNN also understands that while it may seem that this environment is a loud and boisterous one and that making your appearances on national TV is an effective way of serving as a Member of Congress, she knows you can really serve your country, and especially Kansas, by rolling up your sleeves and just getting to work. It has been a privilege to witness this firsthand and to work on a number of issues with LYNN over the years. Together we jointly introduced the fair tax legislation, we worked together to protect rural healthcare in Kansas, we made certain our veterans received the benefits they deserve, and we are both chairs of our respective Hunger Caucuses. We are both lucky to have Bob Dole as a mentor, and we have made it a priority to carry on his legacy to end hunger in America and around the globe.

LYNN was also a champion of the Mental Health First Aid Act, modernizing section 529 college savings plans, and was an integral part of passing major tax legislation for the first time in 30 years.

LYNN and I often have shared flights back and forth from Kansas to Washington, DC. She has, like I have, chosen to remain at home in Kansas, and we are often on the same airplane. I could always count on LYNN to have the conversation of what was going on in the House and for her to explain to me what should be going on in the Senate that wasn't. We were able to take care of our constituents' business by being together on that flight to Washington, DC, and on the flight home.

It also goes without saying that LYNN will be sorely missed as a leader and as a sensible voice in Congress and in our Kansas delegation. Her role will be so difficult to fill, but I know she is excited about spending more time with her kids, Haley and Hayden, in that place we so proudly call home, the State of Kansas.

LYNN, I thank you for your many years of service and, on behalf of all Kansans, I want you to know we appreciate, respect, and admire you.

LYNN, thank you for your friendship, advice, and your realness. I wish you the best of luck and countless M&Ms in your retirement from Congress, and in everything that comes next, may you have success and may you have joy. Please know you will be missed, and we look forward to spending time together as you tell me, still, what I should be doing in the U.S. Senate.

TRIBUTE TO KEVIN YODER

Madam President, I want to speak this afternoon about another retirement from Kansas, Congressman KEVIN YODER, who has served the Third Congressional District of Kansas for four terms. He is a solid colleague and a good friend.

I met KEVIN when he was an intern in our office when I was a Member of the House of Representatives. I remember his tenacity, his spirit, and his passion for serving Kansans, which he continued to feel long after he was an intern in the Moran world.

KEVIN went on to serve his fellow students as student body president at the University of Kansas. He earned a law degree from the University of Kansas School of Law. He then served the Overland Park community in the State House of Representatives, and he became chairman of the House Appropriations Committee.

As a Member of the U.S. House of Representatives, KEVIN also served as a member of the Appropriations Committee, and there he was, and has been, a steward of Kansas taxpayers' hard-earned dollars.

As a member of the Appropriations Committee, KEVIN has made biomedical funding a top priority. I have enjoyed working with him as we advocated for the National Institutes of Health and for the University of Kansas Cancer Center, which was designated as a National Cancer Institute in 2012. KEVIN served as a real leader in Congress in advocating for that designation, and it is a point of pride for our State and the hope of many in our region.

He also serves as chairman of the House Appropriations Subcommittee on Homeland Security, where he has worked to help protect our borders and our homeland.

KEVIN has been a steady leader in his support for Head Start, understanding that education uniquely unlocks opportunity, and he has worked to give underprivileged children a path to success at an early age—an opportunity they unlikely would have otherwise.

Understanding the complex and outdated nature of our country's immigration laws, KEVIN has championed legislation that could garner the support of both Republicans and Democrats that would end per-country caps on employment-based green cards, clearing the backlog of Indian and Chinese immigrant green card applications, some of which have been, unfortunately, sitting around untouched on a wait list for decades.

KEVIN also grew up in a small town in Kansas and was a farm kid, and he also learned the value of hard work and the issue of being responsible for the consequences of what you do. KEVIN will be greatly missed in our Kansas delegation and here in Washington, DC, and his shoes will be hard to fill.

KEVIN, I hope you are able to spend some well-deserved time with Brook and your girls. I will miss our flights back and forth between Kansas in which you were showing me photos on almost every trip of your children. I wish the very best for KEVIN, for Brook, his wife, and his daughters as they enter this new chapter.

I also pay special tribute to Brook Yoder for her work side-by-side with her husband. They, together as a team, made a tremendous difference in Kansas and in Washington, DC.

So on behalf of all Kansans, KEVIN, I say thank you for your dedicated service to our State. Godspeed.

The PRESIDING OFFICER (Mrs. ERNST). The majority whip.

CRIMINAL JUSTICE REFORM

Mr. CORNYN. Madam President, at 5:30, we will be voting on the first procedural step to take up criminal justice reform legislation that started back in 2013 when I introduced a bill we called Federal prison reform. This legislation is based on prison reform, but it has taken on some additional attributes relative to how we sentence and how judges sentence people convicted of various crimes.

Let me explain a little bit about why this should be a priority for the Senate and for the Congress and for the country. We know the cycle of crime is all too common. People commit crimes. They serve time in prison. They get out of prison. They commit another crime. They serve time again in prison. They are released.

A few years ago, this is what one young man in Houston said when he was talking about his own experience: He called himself a ''frequent flyer''—somebody caught in that revolving door of prison and crime.

In Texas, in 2007, or thereabouts, we had some farsighted visionary leaders, actually, who decided instead of just being tough on crime, which Texas has always had a reputation for, we needed to be smart on crime too. A little more than a decade ago, Texas prisons were bursting at the seams. We had more people incarcerated in Texas prisons than any State in the Nation, and tragically we also had high recidivism rates. So it was obvious we were doing something wrong, and we needed to up our game.

The Legislative Budget Board in our State estimated that in the next 5 years, Texas would need as many as 17,000 new prison beds to house the growing inmate population. So two options became clear: build more costly prisons with the same tragic results or fix the system, and we chose the latter.

I would say, some of our colleagues and some of the critics of the underlying bill say: Well, the best way to keep communities safe is to keep criminals in prison. There are some people, sadly, who will never take advantage of the opportunity to transform their lives through faith-based programs, deal with their drug and alcohol addiction, learn a skill, get a GED; in other words, there are some people, unfortunately, we can't save, but there are others who understand they have made a mistake and paid their debt to society and want to turn their lives around. Those are the type of people this criminal justice reform bill speaks to.

In the beginning in my State, the decision was largely driven by cost. The estimated pricetag to build new prisons exceeded $2 billion. You can imagine what that does to a State's budget, but instead of leaving taxpayers with the bill and just moving on, a visionary group of State legislators decided to dive further into the problem to try to understand it better and propose cost-effective ways to fix it. These fixes came in a number of forms which, looking back on it now, seem pretty obvious, pretty intuitive but, at the time, really was revolutionary.

First were improvements in our parole system, which means that once people got out of prison, people were then supervised while out of prison to make sure they met the conditions of their parole. They didn't get involved with the same bad company that helped them get in trouble in the first place, and they didn't start using drugs again, and they kept fully employed.

So this parole supervision targeted 10 percent fewer revocations and graduated sanctions for small rules violations such as missed meetings. That is particularly important because one of the first indications that somebody who is on parole is in trouble is when they don't show up for their meeting with their parole officer. In the past, that was just pretty much blown off until those missed meetings began to accumulate, and then, ultimately, that individual found themselves arrested, back in jail, and ultimately back in prison. So rather than letting these small infractions pile up, eventually sending the person back to prison, each misstep was dealt with swiftly and surely.

In 2005, $55 million was appropriated to Texas probation departments to make improvements in how we supervise people who had once been in prison, with most of the funds going toward reducing caseloads. In other words, parole officers, probation officers, if they have to handle so many cases, they can't give them the individual attention they need and that the formerly incarcerated individual will benefit from. That brought the number of cases down from nearly 150 in some areas to 110 probationers per officer. This allowed for closer supervision and constant application of sanctions when called for.

The results were pretty dramatic. In 2005, our State was paroling 21,000 prisoners, 11,000 of whom returned to prison after committing other crimes. So that means a little more than 50 percent were eventually going back to prison. A decade later, putting in place these reforms, the State paroled 28,000 prisoners, and about 4,500 came back—or only 16 percent. So we went from about half of the people in prison being paroled without much supervision and much help to only 16 percent because of these reforms.

These reforms, as I said at the outset, may not look so obvious—and it seems so intuitive that it seems clear to us today—but at the time, it was pretty groundbreaking.

As we all know, for many politicians, one of their biggest fears when it comes to their next election is being accused of being soft on crime, but, again, this is not about being tough on crime or soft on crime, this is about being smart on crime and getting the best results.

The decline in revocations led to the savings of $119 million for Texas taxpayers—more than double the initial investment in these programs.

Second were improvements to prison alternatives for low-level, nonviolent offenders. Judges and prosecutors and corrections officials were frustrated by the number of these individuals who kept ending up right back where they started, with no real change in their trajectory and certainly no more hope for their future. So the State started to provide funding to increase access to things like substance abuse treatment, drug courts, and mental illness treatment.

Again, the reason why people end up in prison often has very little to do with their desire to live a life of crime; many of them feed their addiction by theft and other crimes. People who are mentally ill who go to jail or prison, without a diagnosis in treatment, don't get any better, and when they get let out of jail and prison, they just go back deteriorating until they become a danger to themselves and others.

In addition, mandatory prerelease programs were expanded to reduce the backlog of inmates waiting to complete these requirements. In other words, there were a lot more people who wanted to go through these programs because they recognized the benefit to themselves and their families, but they just simply couldn't get into the programs because there weren't enough slots.

For example, the expansion of a drug treatment plan brought down wait time from 1 year to 4 months. If you are somebody with a drug problem, and you are told: ''We don't have room for you. Come back in a year,'' that can be, obviously, discouraging and not result in getting them the help they need.

Moving the wait time for drug treatment down from 1 year to 4 months moved two-thirds of the waitlist into treatment, after which they were released, only to see a more hopeful and better outcome.

In Texas, the model worked. Not only did we avoid building new prisons, we have actually closed eight prisons in Texas. Again, this sounds a little shocking if you are from other parts of the country where you hear about our tough-on-crime reputation, but because of these reforms, we were actually able to close eight prisons because they were no longer needed. We quickly saw a reduction in both incarceration and crime rates by double digits at the same time.

To me, this is the essence of criminal justice reform. There are some who say: We need to do criminal justice reform because, well, we simply imprison too many people. There are others who say: Well, we imprison people for offenses that are disproportionate to what they have done. To me, the essence of criminal justice reform is reducing the crime rate—in other words, increasing and improving public safety.

Other States took notice of what was happening and started to do the same. Georgia, Rhode Island, and North Carolina quickly followed suit, and we have seen several other States across the United States adopt similar reforms.

When I say we saw a reduction in both incarceration and crime rates, let me give a couple of numbers.

From 2005 to 2016, Texas's FBI index crime plummeted by more than 34 percent. In the same period, the incarceration rate dropped 23 percent. Those are pretty shocking and surprising numbers. The crime rate went down 34 percent, and the incarcerate rate dropped 23 percent. You would think the opposite would be true—that with incarceration rates going down, the crime rate would go up—but because of these visionary programs and reforms, they simply worked in tandem to both reduce the incarceration rate and improve public safety at the same time.

It is clear now, based on experience, that these reforms and outcomes are real. I have been working with my colleagues in the Senate Judiciary Committee since 2013 to try to bring these

reforms now to the national level. The FIRST STEP Act is our opportunity to do just that this week in the Senate.

Thanks to the primary sponsors of the FIRST STEP Act—the Senator from Illinois, who has joined us here in the Chamber, the chairman of the Judiciary Committee, Senator GRASSLEY, MIKE LEE, PAT LEAHY, and others who have worked on this bill. SHELDON WHITEHOUSE and I worked primarily on the prison reform bill.

The current bill has undergone some major improvements over the last few weeks, which I am very proud of. The previous version of this legislation had a number of very positive attributes. In fact, more than three-quarters of the bill was based on the CORRECTIONS Act that Senator WHITEHOUSE and I introduced in 2014, which is the prison reform component of the legislation. But the remainder—the sentencing elements in the bill—was more controversial, and many of my concerns were shared by members of the law enforcement community.

As I was gauging where Members stood on the bill, it was clear that many could not support the old version of the bill and needed the primary sponsors of the bill—whom I mentioned a moment ago—to work with them to try to make it more acceptable to law enforcement, which was going to send a signal to many other Senators about whether they should get behind the bill.

We have all learned how to get things done here in the Senate, and that is not to just point out the problems with legislation but to listen and work together to find solutions, and that is exactly what we did. We spent a lot of time talking to national law enforcement organizations and those in Texas. I know we all value the input of our sheriffs, police chiefs, and other law enforcement professionals, and we tried to work with them to figure out how we could make this bill stronger. I listened to feedback from our Nation's police officers and sheriffs, and we all got to work. We had meetings, we negotiated, and we compromised with colleagues on both sides of the aisle, as well as friends across the Capitol in the House.

We also worked with the White House, whom we have all stayed in constant contact with on this issue since the Trump administration took office nearly 2 years ago. Jared Kushner, the President's son-in-law, has been relentless in his pursuit of getting this criminal justice reform bill done, and I know each of us who has been involved in this legislation has talked to him almost on a daily basis, sometimes many times in a given day.

This bill is the product of those negotiations and those changes, and I am not the only one who is happy with the result. Since these improvements have been made, the bill has been endorsed by a number of important groups, including the National Association of Counties, the Texas Municipal Police Association, the Fraternal Order of Police, and the Council of State Governments. I appreciate the dedication and hard work of our colleagues who worked on this to get the bill to where it is today.

Before tonight's cloture vote, I want to correct some misconceptions floating around about what this bill will and will not do.

There are some who, for example, say that this legislation will put violent criminals and sex offenders back on the streets, which is completely false. Let me say that again because I think it bears repeating. This bill will not allow dangerous, violent criminals to be released early. That is pure fiction.

Not everyone is eligible to earn the credits that lead to early release based on their participation in these programs which I talked about a moment ago. This bill specifically lists 48 offenses that disqualify offenders from earning time credits, including crimes such as murder, specified assault, carjacking that results in injury or death, and unlawful possession or use of a firearm by violent criminals and drug traffickers.

Simply put, we use the most modern social science evaluation tools to find out who is at low risk of reoffending. They are the ones who get the benefit of these programs because we think these are the ones who are most likely to have a good outcome and not end up back in prison. We have disqualified violent offenders, including anybody who either used or displayed or happened to be carrying a firearm during the course of committing their offense.

Those who have not committed one of those crimes aren't automatically eligible. In fact, nobody is automatically eligible for the benefits of this program. As I said, they have to be evaluated to be at minimum or low recidivism risk. That decision isn't made by Congress; it is made by the experienced law enforcement professionals and wardens in the Federal Bureau of Prisons who work with these men and women every day.

It is important that we look at people who are at low risk of recidivism and low risk to public safety in the community because what we can do is use the resources not to keep people like that behind bars unnecessarily but to focus on the truly violent criminals who are not likely to be rehabilitated because, frankly, they don't want to be rehabilitated. Focusing on the most dangerous criminals and keeping them behind bars, while providing relief to those who earned that time credit, just makes common sense.

Some people are falsely claiming that the FIRST STEP Act will retroactively release illegal immigrants and top-level drug traffickers by increasing the good time credit by 7 days a year. Again, that is simply not true. All the bill does is clarify Congress's original intent when it comes to good time credit.

Good time credit is different from the earned credit for participating in these various programs. But you can imagine how important this is to the safety of the jailers, wardens, and public law enforcement officials in the prisons because it gives inmates hope that if they lead exemplary lives while in prison, they have greater hope of earning good time credit and getting out earlier.

All this does is clarifies Congress's original intent that 54 days of good time credit be available rather than the 47 days that the Bureau of Prisons had interpreted under previous law that was more ambiguous. So that is not a change to what Congress intended but merely a clarification of preexisting congressional intent.

In addition, some of the bill's detractors are claiming it will allow gang members and high-risk inmates to be transferred to lower security prisons in order to be closer to their homes. This, too, is false. Gang members and high-risk inmates will not be transferred to lower security prisons under this bill. While the bill does call for inmates to be transferred to a prison within 500 miles of their release residence, that only applies if there are no security concerns and is subject to availability of beds and other conditions.

For example, a member of the dangerous MS–13 gang is held in maximum security over 500 miles from their release residence. There happens to be a minimum-security prison within 500 miles of their release residence. They would not be transferred. We simply don't transfer violent criminals to medium-security prisons because they happen to be within 500 miles of their residence.

There has been a lot of mythology, misunderstanding, and misrepresentation of what is in the bill. The goal of this bill is not to release broad swaths of criminals—in fact, it is just the opposite. This legislation allows prisons to help criminals transform their lives, if they are willing to take the steps and responsibility to do so, so that we are not perpetuating the cycle of crime that continues to plague communities across the country and to drain taxpayer dollars in the process and damage public safety.

I thank all of our colleagues who have worked so hard on this legislation. I think one of the most important attributes of a legislator—certainly of a Senator—is to listen to our constituents, listen to the feedback from our Members, and help build a better bill that will garner significantly more support than it otherwise would have had. I am confident that the Senate will pass this bill, and we can soon send it to the President's desk for his signature.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT SHUTDOWN

Mr. SCHUMER. Madam President, on another subject, we are 5 days away from a lapse in appropriations, and President Trump still doesn't have a

plan to keep the government open. In fact, the only indication he has given is that he wants a government shutdown.

At the moment, the situation should be clear to everyone: President Trump does not have the votes for his wall. He certainly doesn't have the votes in the Senate, and it doesn't seem he has the votes even in the House, where he needs only Republican votes.

Tellingly, the House is on recess until Wednesday night—just 2 days before the Trump shutdown would start. It is because the House leadership has no idea what to do, where the votes are, or where the people are. Many of them don't want to come back. Everyone knows the situation. Even with a Republican Congress, no threat or temper tantrum will get the President his wall.

On the other hand, Democrats are all together. We have given a proposal to President Trump. We have given two alternatives to President Trump that could easily pass both the House and the Senate. We could pass the six bipartisan appropriations bills and a 1-year CR on homeland security, or we could pass a 1-year CR for all of the remaining Agencies. President Trump should support one of these options and spare innocent, hard-working Americans the pain of an unnecessary Trump shutdown. His temper tantrum will get him a shutdown but will not get him a wall. It is futile.

Unfortunately, since our meeting last Tuesday, Leader PELOSI and I have still not heard from the White House whether they will accept either of these two options, nor have we even heard from our Republican colleagues in the Senate or House about what they might support to avoid a shutdown—not a peep. They are nowhere to be found.

A reporter told me that Republicans said: What is the Democrats' plan? We gave them two. The real question is, What is the Republicans' plan? They don't have one. They don't know what to do. In the scuttlebutt, where we talk to one another, Senate Republican leadership has no idea what President Trump wants. Neither does House Republican leadership. And they don't have the courage, the strength, in my judgment, or the wisdom to tell the President he is wrong on this, and let's move forward. That amazes me more in the House than anywhere else. House Republicans lost 40 seats by just clinging to President Trump even when they knew he was wrong.

Are they continuing this pattern of behavior, and are our Senate colleagues going to do the same? It makes no sense. My friends on the other side of the aisle know the President's wall is wrong, ineffective, and it cannot pass. The President's daily Twitter outbursts can't alter reality.

My Republican friends need to step up and convince the President to pick one of the two sensible offers we have made. Right now, nobody seems to know what Republicans want or plan to do. It is shocking that Republicans haven't engaged yet in this process, considering they control the Presidency, the House, and the Senate. What a symbol, what evidence of disarray.

Once again, I remind my Republican colleagues that going along with a Trump shutdown is a futile act. When Democrats take control of the House on January 3, they will pass one of our two options to fund the government, and then leader MCCONNELL and Senate Republicans will be left holding the bag for a Trump shutdown. The onus for reopening the government will wind up on their lap. That is not what they should want. I don't think they do want it. They are just so fearful of departing from President Trump. I remind them, when the President wasn't mixing in, we did two good budget seasons. We did two good appropriations bills, which got large majorities of Democrats and Republicans in the House and Senate. You can't let the President interfere, particularly when he does it in a pound-table, tantrum-like way, without any plan or knowledge of how to get things done.

If President Trump decides to shut down the government, there is no endgame in which President Trump gets the wall. There is no endgame for Republicans in which they can avoid their share of responsibility—overwhelming share—for a shutdown. The time to solve this problem is now.

HEALTHCARE

Madam President, on healthcare, on Friday, in response to a suit brought by Republican attorneys general, a district court judge in Texas issued a bizarre and dreadful ruling that the Affordable Care Act was unconstitutional because of changes to the law made by congressional Republicans. If the ruling is ultimately upheld, the consequences would be disastrous for the American people. It would jeopardize health insurance for more than 20 million Americans who gained insurance on the exchanges or through expanded Medicaid. It would end protections for the 133 million Americans living with preexisting conditions. Can you imagine a mom and dad who have a daughter or a son with cancer, and we now allow the insurance companies to cut them off by not giving them new insurance as they watch their child suffer? That is not America. That is not the situation now because of what we all did in 2009 with the ACA. Are our Republican colleagues going to let that happen?

Americans under the age of 26 could no longer stay on their parents' health insurance. That has been a sigh of relief a breath of fresh air for millions who get out of college and want to get a job but can't take the job they want because there is not adequate health insurance.

It would reopen the prescription drug doughnut hole in Medicare. That would mean that seniors on Medicare—tens of millions—would pay more for prescription drugs, and essential health benefits would be gone.

These are not just trivial things. They include guaranteed access to maternity care, free preventive cancer screenings, treatment for opioid addiction—crucial things that Americans need that allow them to go away.

You can see the extent of the disaster if this court case prevails. Hundreds of millions of Americans would be hurt. Our healthcare system would be thrown into chaos, including for families who get health insurance from their employer.

We Democrats believe the ruling is based on such faulty premises that it will not be upheld by a higher court once it is appealed, but given the potential consequences of their ruling, we cannot twiddle our thumbs and hope for the right result.

The court, I would remind my colleagues, based a good portion of its decision on what Congress intended. We can clear that up in a minute—in a minute. My friend, Senator MANCHIN, has a resolution which every Democrat in this body has signed onto, to petition the Senate legal counsel to intervene in the lawsuit and defend the Affordable Care Act on behalf of the Senate because the Trump administration refuses to defend the law and is in favor of it being overturned.

President Trump was almost gleeful when this court case came out. Is he going to be gleeful to those parents with cancer, to that college graduate who needs healthcare, to a family who has a father on opioids and needs help? Is he going to be gleeful if they don't get it? I don't get him sometimes, much of the time.

I hope our Republican colleagues will join us in this petition because if a majority of the House and a majority of the Senate tell the appeals courts our intention was not to overthrow healthcare, it will have a great deal of weight. Some say: Well, let's do legislation. We have all been through that before, with both Democrats and Republicans in charge, a very hard, long time—it takes a long time to get healthcare.

By the way, the President and a lot of my Republican friends want to cut back on healthcare. That is their goal. They will never come to agreement with us—Democrats in the Senate or the House, which will be democratically controlled in a few weeks—if they stick with that.

Legislation is not the best and first way to go; court intervention is. We will be watching. The American people will be watching, particularly so many of my colleagues who said: I am for preexisting conditions.

We are going to let them know this idea of ''let's do legislation'' will not work. Where are they on the petition? That will determine whether they are hypocrites, saying they want to protect preexisting conditions but not doing the best thing for it or whether they really care about the people who will lose health insurance.

The American people spoke loudly and clearly in the midterms: They want their healthcare protections, and they don't want Republicans to take them away. I believe Republicans will have no choice but eventually to join us. To not do so would be to jeopardize healthcare for hundreds of millions of Americans and risk a complete disaster for Republicans in future elections.

TRIBUTE TO LAMAR ALEXANDER

Madam President, on LAMAR ALEXANDER, my dear friend, we received sad news today—sad for us, happy for him—that our friend, the senior Senator from Tennessee will not be running for reelection in 2020. There will be time to reflect on his life and career at a later date, but upon hearing the news this afternoon, as I was taking the Amtrak down from New York, I felt a pang of sadness. LAMAR and I have been dear friends, and we worked so hard on many things together.

I want to say a few words now. When Senator ALEXANDER eventually does leave this body, the Senate will lose an incredibly capable legislator and statesman. He cares so much about legislating. He reminded me, when I talked to him this afternoon, that he will still be around for 2 years and wants to work together to get things done—an ''Alexanderian'' statement, if there ever was one.

Senator ALEXANDER has been in the midst of so many things for his 16 years in the Senate, and that is not because he is some ideologue who stood all alone in his own corner and made a lot of speeches and didn't get things done. No. Senator ALEXANDER seeks compromise almost reflexively, and he gets things done—the recent higher education bill and legislation dealing with opioids, which he was so passionate about, and he talked to me about it every day for about a month. He gets things done because of his passion, his intelligence as a legislator, and his persistence.

Both sides of the aisle respect and trust LAMAR. I do. We have worked together so many times in my years here, and hopefully, as he said on the phone, there will be a few more opportunities in the next 2 years, his last 2 years in the Senate, to work together successfully, hopefully, and God willing again.

Even though he is not here at the moment, I salute my friend from Tennessee and look forward to seeing him in the gym tomorrow morning—we always see each other in the gym—where I can convey these sentiments personally.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Let me start by joining my colleague, the Democratic leader, in his words about LAMAR ALEXANDER—a great Senator and a personal friend, someone I am sorry is going to bring his Senate career to an end in 2 years because he has done so many good things. I could spell out many of those things, but one comes to mind immediately. A few years ago when I was deciding whether to run for reelection myself, I thought one of my goals would be to increase the Federal investment in medical research. That is right in the wheelhouse of the committee jurisdiction of LAMAR ALEXANDER. I went to him and his counterpart on the Democratic side, Senator PATTY MURRAY of Washington, and ROY BLUNT of Missouri, and we put together an informal team pushing for increases in medical research. We have had amazing success. It has been bipartisan, and it has been an enthusiastic effort all around. We couldn't have done it without LAMAR's wholehearted participation. He was committed to medical research, and as a result, we have had more than a 5-percent increase each year for the last 4 years in the budget and appropriations for the National Institutes of Health. That is going to end up creating more opportunities to spare people suffering and to cure disease and to save lives than we can possibly imagine. That is the kind of thing people expect of us, don't they, in the Senate?

The Democrats and Republicans will find a common goal and work together to achieve it. LAMAR ALEXANDER was part of that successful effort. I am going to hold him to it for the next 2 years, as I am sure he will hold me to the same goal. I look forward to working with him but certainly with some pain in my heart, as the Democratic leader said, with the knowledge his career is coming to an end. He has been an extraordinary public servant as a Governor, as a Presidential candidate, as a Cabinet member, and as a Member of the U.S. Senate. I am sorry for his decision, but I certainly understand why he would make that on a personal and family basis.

FIRST STEP ACT

Madam President, I wish to say a few words about the legislation currently pending before the U.S. Senate. Every once in a while—it doesn't happen very often—the stars line up and the Democrats and Republicans and the conservatives and the progressives and the President and the Congress agree on something. I am not talking about Flag Day or apple pie or whether Lassie was a collie dog. It really comes down, occasionally, to something that is meaningful. We are in the midst now of a debate on the floor of the Senate, which will culminate probably tomorrow in some historic votes on the whole question of criminal justice reform.

How important is this issue? It is so important that we rarely take it up more than once a decade; that we sit down and look at criminal justice standards and laws in America and decide whether we can make them better and more effective.

Just a few minutes ago, my colleague from Texas, Senator CORNYN, a conservative Republican, came to the floor and explained how the State of Texas engaged in prison reform and found out they could not only reduce the prison population but reduce the incidence of crime at the same time. That is what we are setting out to do at the Federal level as well.

Senator CORNYN's prison reform measure, which he introduced with Senator SHELDON WHITEHOUSE of Rhode Island, has been a central part of our conversation on criminal justice reform.

I had another part of criminal justice reform that I have been working on for a long time. Three decades ago, Congress responded to our Nation's drug epidemic by creating the harshest mandatory minimum sentences in our history. Consider what happened next as we made the penalties for drug use and sales higher than ever in our history. What happened next was the use of illegal drugs in the United States of America actually increased, just the opposite of what we were trying to achieve. The availability of heroin, cocaine, and methamphetamine increased, despite harsh criminal penalties. Crime rates for Federal drug offenders did not go down. In other words, longer prison terms did not deter drug use or drug crime, but they did lead to an explosion in our Federal prisons.

Since 1980, the Federal prison population has grown by over 700 percent. Federal prison spending has increased by nearly 600 percent in that period of time. Today, the United States of America holds more prisoners, by far, in prison than any country in the world. America has 5 percent of the world's population, 25 percent of the world's prisoners—more than Russia or China. Our overcrowded Federal prisons consume one-quarter of the Justice Department's discretionary budget. This undermines other important priorities, like preventing crime in our neighborhoods and treating drug addiction.

The largest increase in the Federal prison population is for nonviolent drug offenders. This is largely because of the inflexible mandatory minimum sentences. These mandatory penalties don't allow judges to distinguish between drug kingpins, who should be our focus when it comes to criminal penalties, and lower level offenders. That isn't fair. It isn't smart. It isn't an effective way to keep us safe.

We also have to consider the racially disparate impact of these laws. Listen, the majority of illegal drug users and dealers in America are White, but three-quarters of the people serving time in prison for drug offenses are African American or Latino. The majority of the users and dealers are White, and three-fourths of those who go to prison for drug crimes are African American and Latino, and the large majority of those subject to Federal mandatory minimum penalties fall into that same group of African Americans and Latinos.

As a result of mandatory minimums, the families of nonviolent offenders are separated for years on end. Most of

these families are people of color. This has a destructive impact on their communities and erodes faith among them in our criminal justice system.

Most Senators don't come to the floor and say what I am about to say, but let me tell you the worst vote I ever cast. I was a Member of the House of Representatives, and it was about 25 or 26 years ago when I voted for a law that established what became known as the crack powder sentencing disparity. That jumble of words means that under this law, it took 100 times more powder cocaine than crack cocaine to trigger the same minimum sentence—100 times. This came to be known as the 100-to-1 crack-to-powder disparity. Under this law 80 percent of the people sentenced for crack cocaine offenses were African American.

In 2010 I worked with an unlikely ally, then-Senator Jeff Sessions from Alabama. He was a Republican Senator and a member of the Judiciary Committee, and he felt strongly about this issue.

I said to him: Senator Sessions, 100 to 1 isn't fair—that for a tiny handful of crack and a handful of powder cocaine, the handful of crack would get 100 times the sentence as the cocaine doesn't make any sense.

We debated back and forth. I thought it should be one to one in the sentencing. He didn't agree, but the day finally came when we had to make a decision. We actually bargained in the Senate gym. I know the Democratic leader referred to that gym earlier. We get a lot of business done there. We were bargaining in the gym on the day of the committee markup—back and forth and back and forth. Finally, the two of us agreed that it would go from 100 to 1 to 18 to 1. I can't tell you why 18, but it was a compromise. It dramatically reduced the disparity in sentencing between crack cocaine and powder cocaine.

That Fair Sentencing Act passed the Senate Judiciary Committee, the Senate, the House Judiciary Committee, and the House, and it was signed into law in a very private ceremony by President Obama, which Senator Sessions and I attended.

For the last 5 years, I have been working on the next step—a bipartisan coalition of Republican and Democratic Senators to take the next step on reforming our Federal drug sentencing laws. Five years ago I joined up with another unlikely ally—MIKE LEE, a very, very conservative Republican from Utah—to introduce a bill called the Smarter Sentencing Act. We had a problem. There was a Republican Senator who didn't like the bill at all. His name? CHUCK GRASSLEY, from Iowa, a conservative Republican. Coincidentally, he is chairman of the Senate Judiciary Committee.

After a while, I said to Senator LEE: We are going nowhere without Grassley. We have to get him on board if we are going to change the law.

It took a year, which is just a few minutes in Senate time. It took a year of negotiating for us to finally reach an agreement that CHUCK GRASSLEY and MIKE LEE and I all signed on to for sentencing reform.

We were joined by Senator CORY BOOKER in the last year or two, a Democrat from New Jersey. After more than a year of negotiations, we introduced the Sentencing Reform and Corrections Act, legislation approved by the Judiciary Committee by a vote of 16 to 5 earlier this year.

Around the same time, the House of Representatives passed bipartisan legislation to reform the Federal prison system. This bill was supported—listen to this—by President Donald Trump, cosponsored by Republican Congressman DOUG COLLINS, Democratic Congressman HAKEEM JEFFRIES of New York, and Republican House Judiciary Committee chairman BOB GOODLATTE of Virginia.

I didn't like the original version of this bill because I thought we could do better and we should add criminal sentencing to prison reform.

Then we did something that is rare. We sat down, Democrats and Republicans, and worked it out. We believed that we could come up with a common bipartisan bill by combining the two.

The result is the most extraordinary political coalition I have ever witnessed in the time I have been in Washington. The so-called FIRST STEP Act—the revised FIRST STEP Act—is a bipartisan sentencing and prison reform bill that is sponsored by 34 Senators—17 Republicans and 17 Democrats. It is supported by President Trump and a broad spectrum of stakeholders.

Listen to who is supporting this bill on criminal sentencing reform and prison reform: the Fraternal Order of Police. That is a good starting point. It is the largest police group in America. There is the National District Attorneys Association, the largest group of prosecutors in America. So we have the police and the prosecutors, and we also have the American Civil Liberties Union. Go figure that a bill we put together could bring these folks together in common purpose to pass it.

Our bill would reduce Federal mandatory minimum sentences in a targeted way. We don't repeal any mandatory minimum sentences, and we don't lower any maximum sentences. We would simply allow Federal judges to determine in certain low-level cases, on a case-by-case basis, when the harshest penalties should apply.

The bill also puts in place a recidivism reduction program and prison reform that will facilitate the successful rehabilitation and reentry of prisoners, which Senator CORNYN addressed just a few minutes earlier.

Let me tell you a story about this man here. His name is Alton Mills. In the year 1994, at the age of 24, Alton Mills was given a mandatory life sentence without parole for a low-level nonviolent drug offense.

When Alton Mills stepped into that Federal prison cell with a life sentence, he was stepping into a jail cell for the first time in his life, and he was bound to stay there for the rest of his life.

I ended up being contacted by his public defender. She has this wonderful name. She is from Chicago. Her name is MiAngel Cody. MiAngel Cody contacted me and told me Alton Mills' story—how this kid growing up in Chicago, a decent kid in high school, made a bad turn, got mixed up with a drug gang, was a sales runner on the street, which is just the lowest possible level, and on a third offense got a life sentence to spend the rest of his life in prison.

I asked President Obama to take a look at this and consider commutation. In December of 2015, after serving 22 years in prison, Alton Mills came home to Chicago.

What has he done since then? He has become a mechanic at the Chicago Transit Authority. He got married. He is contributing to society. He has a granddaughter. He is working as a community college student pursuing an associate's degree. If he hadn't received a pardon, Alton Mills was destined to die in prison because of the Federal sentencing laws that we are setting out to change.

The FIRST STEP Act would eliminate this mandatory life sentence for nonviolent drug offenders like Alton Mills, and the bill would also give a chance to thousands of people still serving sentences for nonviolent offenses involving crack cocaine under the 100-to-1 standard I mentioned earlier.

I am going to have more to say about the pending amendments, which will be brought up tomorrow. The Senator from Arkansas is going to offer three amendments that I consider to be poison pills.

After 6 years of hard work putting these bills together—Democrats and Republicans, police, prosecutors, the ACLU, and President Trump and Senator DURBIN together on a bill—now comes the Senator from Arkansas, who has introduced three amendments which I think are very destructive to this bill. I am going to oppose all three of them, and I hope he will think twice about them.

We have an opportunity to do something significant, historic, and bipartisan here for the good of this Nation. We could end up reducing the crime rate in our country and do it in a smarter way with sentencing and prison reform. The amendments that he will propose tomorrow—the Senator from Arkansas—have been opposed by groups across the board—left and right, conservative, progressive, Republican, and Democrat. They all oppose his amendments.

I am not going to get into a specific discussion about them until later, but I wanted to let the Senator from Arkansas know that we are hopeful that he will take a more constructive approach. If he goes with the amendments that we have seen, we are going to have to do our best to oppose him.

Some are going to suggest that the underlying bill doesn't go far enough to unwind the harsh mandatory sentencing that I mentioned earlier. I agree. But that is the nature of legislation. It is the nature of compromise. It is what the Senate is all about. A Republican-controlled Senate is considering a bill supported by Senators from both sides of the aisle, and we have a chance to do something. Congress should make this bipartisan legislation a fitting ending to this year. For all of the cynicism and skepticism about what Congress can achieve, we can prove as soon as tomorrow, with one of the most historic changes in criminal justice legislation in our history, that we can work together for the good of this Nation. Our people who send us to this job expect no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. JONES. Madam President, I rise today to talk on two issues.

First, I would like to talk about the criminal justice reform act that Senator DURBIN just spoke of. Rather than repeating all that has been said and all of the positive things—and Senator DURBIN did an outstanding job outlining all of the issues and how important this bill is for the criminal justice system and for the American public—I would like to take a moment just to commend my colleagues—particularly Senator DURBIN and Senator GRASSLEY, Senator LEE, Senator BOOKER, colleagues in the House of Representatives, and those at the White House who worked so tirelessly over the years to achieve this result. This is a remarkable achievement for the people of this country.

I have worked, as most people in this body know, for a number of years as both a prosecutor and as a defense lawyer. In that capacity, I have seen firsthand the problems in a system of justice that seems to have gotten out of whack and that has incarcerated so many people—more than just about any civilized country in the world—and yields very little results.

So what I see is an effort of Republicans and Democrats coming together. When I ran for this office last year, I talked consistently about a country and the State of Alabama that had more in common than we have to divide us. I talked more about reaching across the aisle and having dialogues, instead of monologues. This bill is the perfect example of that, and I hope the people of America see what this bill does and see how this body and the House of Representatives and the administration came together to pass this historic legislation.

This is a historic moment, Madam President. This is one for the ages, there is no question. Sometimes it is so disappointing to go back home to Alabama and hear people say: ''All I want you to do is work together.''

All they see are dueling press conferences among the leaders and dueling talk shows on Sunday mornings and on CNN and MSNBC and FOX News, and they think that all we do is stand here and fight each other. That is not the case. We have done some great things in the Senate since I have been here on January 3. Our appropriations process has been rolling on a bipartisan level. We passed the opioid crisis bill. We also have the farm bill done. Now, with criminal justice—it is the crowning achievement on what has been, over the years, one of the most contentious issues in America. Every year, I used to say that the system of justice in America that was damaged the most in election was our criminal justice system because it seemed that everybody wanted to demagogue it today. That is no longer the case in what has been done in this body, the House, and with the support of the White House.

I want to commend all of those who have been involved in this over the years before I got here, both in and out of government. I worked for a number of years with the Brennan Center for Justice at NYU—particularly the law enforcement leaders—to reduce crime and incarceration. We put in countless hours, and this is the culmination of a number of years of work. They should be commended for all they did.

(Mr. MORAN assumed the Chair.)

REMEMBERING GILES PERKINS

Mr. President, I want to talk about a matter that is a lot more personal. The last couple of weeks have been somewhat difficult for me on a very personal level. Not only have I been saddened that several of my colleagues whom I admire so much will be leaving this body, but 2 weeks ago, I lost a dear friend and trusted adviser, Giles Perkins of Birmingham, AL.

I so appreciate the fact that the day after his death, when I just could not hold up and hold it together to do so myself, Senator SCHUMER noted his passing in floor remarks. Giles' family appreciates those remarks as well, but because he meant so much to his adopted State of Alabama and the Birmingham community and the fact that he is the one who guided the effort to elect me to this office, it is only fitting that I honor his memory on the floor of the Senate.

Giles was a former director of the Alabama Democratic Party and someone who worked for the last two Alabama Democratic Governors. Originally from Texas, he came to Alabama after marrying the love of his life, Hillery Head, in the early 1990s. Together, they have three children: Barton, Hugh, and Beverly. For all that he did in life and all that he accomplished, which was quite a lot, Giles was first and foremost a husband and father, a family man whose greatest love and source of pride were his wife and children.

When he arrived in Alabama, he immediately began to get involved in the community and in politics. He got involved in the Folsom campaign for Governor, telling people that he simply wanted to make a difference. Over the next 25 years, he did just that. What a difference he made.

While Giles was actively involved in numerous civic groups and projects, his greatest accomplishment was turning a few blighted blocks of real estate in the heart of the city of Birmingham into a stunning outdoor recreational area known as Railroad Park, which has not only provided a space for family enjoyment but spurred economic development and became a catalyst for revitalization in downtown Birmingham.

Giles was an outstanding lawyer and community organizer, but he had politics in his blood, and he learned the ins and outs of the shark infested waters of Alabama politics like no other.

It was Giles whom I first approached about running for a statewide office because I knew he shared my frustration with the state of politics and government in the State of Alabama. It was Giles and Doug Turner who sat me down to explain about running for the U.S. Senate—where my heart has always been, having worked here just out of law school—why it was important to run for that office; why, given my background as a U.S. attorney and as a lawyer known for civil rights work, the special election would be so important. It was also Giles who brought in Joe Trippi, everyone else on my campaign team, and helped me staff my Senate office.

But rather than calling him a political mentor, which just doesn't seem to capture all that he was, I often referred to him as ''Yoda,'' a political Jedi master, because of his vision and intuition for politics and how politics should translate into public service. He was certainly a master in teaching those around him how they could be wise in the ways of the force of politics. His strategy for my campaign and my Senate office and tenure was molded out of a vision of how Alabama and the South can move beyond the issues that have divided us and how we can lead the Nation in coming together and healing the partisan divide.

Many think that my election was his greatest political achievement, but knowing him as I did, he would more likely say that it was not the election per se but the reaction that the election gave to so many people in Alabama and around the country who simply said that it gave them hope. That hope for a better Alabama, for a better South, and for a better America was his No. 1 priority.

He was brilliant, philosophical, tenacious, stubborn, funny, and so straightforward that you thought he was sometimes just a little bit mean—a trait you often have to have in order to have a successful campaign.

The absolutely remarkable thing about Giles, though, was that he managed my campaign on a daily basis—all of the calls, emails, and all of the meetings knowing he was living on borrowed time. At the time we began the campaign, he was a 2 year survivor of

pancreatic cancer, an aggressive form of cancer that takes no prisoners. Through it all, he suffered through a number of treatments, often texting or emailing orders or streams of consciousness while being hooked up to chemotherapy.

When asked why he was doing all of this under the strain and pain of his cancer and his treatments, he matter of factly said: ''Because I want to show my children what is important and how to live.'' I am confident that his children got that, as did I and everyone else associated with our campaign.

Giles lost his battle on December 2, having survived for 3½ years after being told he only had 1 month to live. In the world of pancreatic cancer, a 3½-year survivor is remarkable in itself, but Giles Perkins was a remarkable human who made such a positive impact on all who knew him.

As a friend recently wrote me, ''It is because of unsung heroes such as Giles that democracy is sustained in America'' and that we are ''grateful for his commitment and life's work to maintaining integrity in government.''

I know this: When the history of Alabama and the politics of my State and the region are written, it will be Giles Perkins who will be credited for beginning a political change that will be felt for a long, long time.

On a personal level, he will never leave my heart and soul.

Mr. President, I ask unanimous consent that the remarks I made at Giles' memorial last Friday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GILES PERKINS, RAILROAD PARK MEMORIAL, DECEMBER 14, 2018

It is, I believe, a rare occasion when someone stands before a grieving crowd in an effort to memorialize more than a relative or close friend but someone who was the driving force behind making a lifelong dream come true. That folks is the challenge I have faced the last twelve days–Giles was my dear friend but as you all know he was also the person primarily responsible for making my lifelong dream of being a United States Senator become a reality.

I have also faced the double challenge of not having Giles around to help with my remarks. For the last 18 months or so he helped me craft so many of my speeches, from the campaign stump speeches to my maiden speech on the floor of the Senate, to a broad speech about the South and our place in history that could be adopted in a number of contexts. He was always thinking of a bigger picture than most of us were thinking of and regardless of who the messenger was going to be, Giles wanted to control the message to the extent that he could. He had the confidence and self assurance, and let's face a little bit of arrogance—to craft the message that he believed should be delivered. Giles knew he his fate several weeks ago and was able to help plan this day, but when he really started to go down, he went down rather fast. So that is why I am convinced that he is looking down on us today and somewhat cringing with anxiety of not really knowing what any of us are going to say. For me in particular, knowing how he has helped manage me the last 18 months my guess is that when Hillery and the kids start going through his papers or his notes on his IPad there will be something titled ''Notes for Jones to say at my memorial.''

Well my friend, I guess I will have to give it a shot without you.

One of the people in history that Giles admired most was Robert Kennedy and in many ways his life mirrored that of Bobby's.

Giles was as tough as nails, who had as firm a grip on life and people as anyone I have ever known. Louise often called him a gunslinger who could quickly shoot you down with simply an expression or comment. But he also had a very soft and gentle side, especially with his family. Above all else Giles was a family many totally devoted to Hillery and his children Barton, Hugh and Beverly. He adored them all and no matter what challenges he took on, from being a lawyer, a community activist, a political candidate, a campaign strategist or a warrior against cancer, Giles always made time for his family. He not only loved them but he believed in them. For all the successes he had in life, including the election of a mayor, a Governor and a US Senator, his wife and children were his greatest source of pride.

Giles was also a visionary. One of Bobby Kennedy's more famous quotes was ''Some men see things as they are and say why, I dream things that never were and say why not?'' Whether he did it consciously or subconsciously Giles was the embodiment of that spirit. You only have to look around you today and this magnificent park that has done so much for the City of Birmingham and understand what I mean. Few could have stood at the corner of an abandoned, almost blighted part of town and see a vision of an outdoor park where people from all walks of life can come and enjoy the outdoors, that would be a safe gathering spot for fun and creativity, that could attract the kind of development that allows a city to thrive. But Giles did, simply seeing that vision and saying why not. You can see it in the zoo, where he and others saw the potential of having a world class attraction free from the constraints of being owned by the city. But Giles, did and he said why not. And today the zoo is on the verge of a renaissance like it has never experienced. And I am standing before you today as a Unites States Senator because along with his political partners of many years, Doug Turner and Joe Trippi, Giles saw an opening for a new Alabama, an Alabama that puts aside the divisions of the past and embraces our diversity and sense of respect and civility for all people. An Alabama who could lead the South. When all of the pundits looked at a Senate race in Alabama and dismissed the idea saying that it was not possible for a Democrat to win, saying why would anyone even try, Giles Perkins saw an opening, with someone who shared his vision for a better Alabama and a better South who could lead the nation out of our divisiveness and he said why not.

Giles got into politics for the right reasons. Not for ego or power but to do good things. He got that from his mother, who was a progressive member of the Texas state board of education. When he first moved to Alabama after marrying Hillery he approached the Folsom campaign about getting involved. He told Peck Fox that he was from Texas but was settling in Alabama and that he wanted to get involved in the campaign because he wanted to make a difference. And for the next 25 years what a difference he did make. Electing Don Siegelman Governor. Re-electing Richard Arrington as Mayor. Being Executive Director of the Alabama Democratic Party, being a candidate for Attorney General and electing a US Senator. But you can do all of those things when you are in politics for the right reason, to make a positive difference in people's lives. Giles believed that all people, regardless of race or religion or gender of sexual orientation or status in life should be treated equally and with respect and he had no tolerance for those that did not.

That drive to make Alabama and the South a better place is what drove him to know and understand all things that could bring about political success. I called him Yoda for a reason. He taught me and so many others the ways of the Force in politics, to stay in our lane and to focus on that which was truly important. That was especially tough for me as I also had that type A personality and was constantly veering off course because I had become so concerned about minutiae. So even though my calling him Yoda was a term of affection and respect he called me Chicken Little as a reminder of just how much I did not know.

He was a tough task master when it came to politics. His firm grip on life and people became like a vise when he was engaged in politics. He was smart, confident, efficient and forgiving, at least to a point. He gave so many young folks a chance but they had to perform and live up to his expectations. They loved him and they feared him. Again, he modeled himself after Bobby Kennedy who said about being the campaign manager for JFK in 1960: ''I'm not running a popularity contest. It doesn't matter if people like me or not. Jack can be nice to them. I don't try to antagonize people, but somebody has to be able to say no. If people are not getting off their behinds, how do you say that nicely?''

I am told that when Giles began hiring young talent to run the Alabama Democratic Party that the kids began to notice that Fridays were often the days where Giles would politely but pointedly explain to someone that they were just not working out and should hit the road. Instead buckling down to make sure they weren't next they just quit coming in on Fridays. As you might imagine with Giles at the helm that was relatively short lived and the party prospered because of his leadership.

The same was true in our campaign last year. Because Giles knew that we had to run a different campaign than any Democrat had run in the last 20 years he did not rely on those who had been in campaigns in the past, but a new generation, one who understood social media and today's world but yet could be taught the ways of the Force when it came to old school politics. The kids we brought on had virtually no real political experience but immediately set out to teach them, bringing in books about RFK and Lyndon Johnson and the modern political system. By his example of being engaged everyday, whether in the campaign office or by phone or by e-mail or text, while also battling cancer and chemotherapy treatments he taught them, and all of us, lessons of both politics and life. But make no mistake, while they loved and admired him they were also scared to death of him. One of our young men said that every time Giles walked into the room his male body parts seemed to retreat into his gut. Believe me, I get that. While Yoda could be a gentle teacher we also have scars from his light saber that came in the form of his e-mails or text messages or biting retorts if you were out of line. I am quite sure that as word spread of Giles decision to not seek further treatments for his cancer all of those who worked with him or for him at any point in any of his political endeavors were reminded of the words of Winston Churchill who famously said: ''I am prepared to meet my Maker. Whether my

Maker is prepared for the great ordeal of meeting me is another matter.''

But it was that same young staffer who also said that as our campaign folks called to check on each other after Giles' death each call ended with ''Love 'ya'' and it was clear that Giles built more than a campaign, he built a family that would long outlive him.

Over the last couple of years I came to love Giles like a brother and came to know and appreciate him as a remarkable human being who did so much for so many in his short time on this planet. He died among the privileged but never, ever forgot those less fortunate, constantly striving for a better world for all. The words of Barack Obama at the funeral for Ted Kennedy seem to have been written in advance for Giles Perkins:

We cannot know for certain how long we have here.

We cannot foresee the trials or misfortunes that will test us along the way.

We cannot know what God's plan is for us.

What we can do is to live out our lives as best we can with purpose, and with love, and with joy.

We can use each day to show those who are closest to us how much we care about them, and treat others with the kindness and respect that we wish for ourselves.

We can learn from our mistakes and grow from our failures.

And we can strive at all costs to make a better world, so that someday, if we are blessed with the chance to look back on our time here, we know that we spent it well; that we made a difference; that our fleeting presence had a lasting impact on the lives of others.

This is how Giles Perkins lived. This world is better for having pass here. We are better people because we knew him. This is his legacy.

So my friend, may you find new challenges to meet and new visions to share, to see things not as they are but how they can be. May God bless you and may you Rest In Peace.

And for all eternity, May the Force be with you. Mr. JONES. I thank the Senate for this personal moment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 1042.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joseph Maguire, of Florida, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joseph Maguire, of Florida, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

Mitch McConnell, Jerry Moran, Mike Crapo, Steve Daines, Richard Burr, James E. Risch, Thom Tillis, John Thune, Roger F. Wicker, John Hoeven, David Perdue, Pat Roberts, John Barrasso, Mike Rounds, Lamar Alexander, John Boozman, John Cornyn.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

THE BUDGET AND APPROPRIATIONS PROCESS REFORM

Mr. ENZI. Mr. President, earlier this month, Congress sent the President another continuing resolution to allow more time to resolve the partisan impasse that has us on the brink of a government shutdown once again. A continuing resolution just allows agencies to continue to spend money without knowing how much they actually get to spend.

The current episode is yet another example of the breakdown of what should be the basic nuts and bolts of government—keeping the government open and funded. In other words, they have been spending money since last October without knowing how much money they get to spend. So I come to the floor today to talk about the need to reform our broken budget and appropriations process and to lay out a few ideas I have for how to do that.

As chairman of the Budget Committee, I have worked on budget appropriations and process reform for several years and always believed that changes need to be guided by two core principles. The first principle is that reforms should end brinksmanship and the threat of government shutdowns; and No. 2, reforms should guide us to create enforceable plans to stop the outrageous growth of our Federal debt, which is approaching $22 trillion.

According to the Congressional Budget Office, Federal debt held by the public, as a percentage of our economy, is at the highest level since shortly after World War II. That debt is expected to rise sharply over the next 30 years if current laws generally remain unchanged. Quite simply, our budget problems are too severe to be put off any longer. Yet our dysfunctional budget and appropriations process is making it harder for Congress to tackle our pressing fiscal challenges.

To start, one easy thing we could do to improve the process is to change the names of the Budget and Appropriations Committees to better reflect each committee's function.

The Budget Committee, which is tasked with crafting an annual fiscal framework to guide Congress, really should be called the Debt Control Committee. The Appropriations Committee, which is responsible for making the actual decisions about how money is spent each year, should be renamed the Budget and Appropriations Committee.

Too often, when we come up against appropriations deadlines, as we are now, press reports declare that Congress has to pass the budget to avoid a shutdown. Not true. The budget passed a long time ago. In reality, the budget reflects the start of the process, and appropriations reflects the end. Changing these committees' names would more clearly delineate their actual responsibilities and thereby make it easier for them to be carried out and understood by the public.

A second important change would be to finally admit that Congress is not capable of sending 12 appropriations bills to the President before the September 30 end of the fiscal year each year. The current process leaves Congress in a nearly perpetual quest to develop and pass 12 funding bills for the next fiscal year to avoid a funding lapse. Yet the sheer size and complexity of the Federal budget and appropriations process virtually guarantee that Congress will not consider all the appropriations bills individually each year. In the last 40 years, we have succeeded only four times in passing all of the appropriations bills on time. Let me repeat that. In the last 40 years, we have succeeded only four times in passing all of the appropriations bills on time.

Our inability to pass appropriations bills on the current schedule has made reliance on continuing resolutions a routine part of the process, and it comes with a cost. The Department of Defense has operated under a continuing resolution for an average of 81 days per year; that is almost 3 months per year since 2001, with a particularly bad spate since 2009, in which we averaged 134 days per year. That is almost 4½ months of not knowing how much they are going to get to spend, let alone planning for the future.

Earlier this year, the Secretary of the Navy, Richard Spencer, identified $4 billion in waste owing to the lack of financial stability resulting from these continuing resolutions—this lack of knowing how much to spend. He said:

> Since 2001, we have put $4 billion in the trash can, poured lighter fluid on top of it, and burned it. . . . It's enough money that it can buy us the additional capacity and capability that we need. Instead, the $4 billion of taxpayer money has been lost because of inefficiencies [caused by] continuing resolutions.

While it is true that this year we were able to pass and get signed five appropriation bills prior to September 30—remarkably, an improvement from recent years—that still leaves seven bills yet to be enacted.

To address this problem, I have proposed moving to a biennial system and halving the number of appropriations

bills considered each year so that six would be considered in the first session of Congress and six would be considered in the second—each of them, of course, for 2 years to allow for more planning. By providing a more realistic and attainable schedule, we could allow for a more thoughtful process for considering individual bills. We would free up more time for oversight of Federal spending. We would actually get to look at some of the details of the dollars we are spending, and we would reduce the likelihood of continuing resolutions and large, year-end spending bills—with everything attached to it—that are inefficient and too often loaded with waste. We could also give agencies the certainty they need to plan and make wise decisions regarding how to implement funding.

But successful and timely enactment of the appropriations bills is only part of the solution. We also need to look at the mandatory side of the ledger and programs that don't have adequate revenue to maintain obligations—the ones we don't ever get to make a decision on. Any new mandatory programs should be self-financing or offset by the elimination of existing programs that we would continue to fund. In other words, nothing should be mandatory if it doesn't have a stream of money big enough to pay for it.

We also need to look at ending the spending bias that begins with a current baseline—current amount of spending—and automatically adjusts for inflation.

To address the long-term structural deficit problems, we need to create enforceable spending targets that are monitored and enforced annually to make sure lawmakers stay focused on deficit reduction and achieving a suitable Federal budget. The newly revamped Debt Control Committee should be empowered to establish its targets and enforce spending constraints. For example, if we followed my penny plan and cut spending by 1 cent out of every dollar each year for the next 5 years, we could balance the budget.

Once enforceable targets are agreed upon, we should conform the debt limit to them. I know that dealing with the debt limit in a responsible manner is a priority for many of my colleagues on both sides of the aisle. I am ready to work with them on it.

We are not talking about sequester here; I am suggesting precision cuts on the low priorities. First of all, sequester happened late in the year, so there wasn't much money left to take the money out of, which made it a much larger reduction from those spending bills. They also picked the projects they thought would be most noticeable and cut those, realizing that the American public would rise up in arms and make sure that it was reinstated, and that happened. They always picked the most visible and the most painful.

What we have to do is get to precision cuts in the things we haven't even looked at. I have a list of how many things we haven't looked at. Some programs haven't been looked at since 1983, but they continue to get an annual inflation increase anyway—sometimes greater than the annual increase.

Each of the above suggestions would improve our process, help us control spending, and meet our constitutional obligations. I plan to pursue them in the next Congress and look forward to working with my colleagues on these and other ideas.

However, while reforms are needed, the reality is there will never be a perfect process, and no reform by itself could force the hard decisions that are needed. What we need is leadership and a commitment from both sides to work together to do what we know needs to be done to confront these challenges.

I look forward to working with my colleagues on these critical challenges in the next Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I start my remarks, in case they go beyond the time for a vote, I ask unanimous consent to finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST STEP ACT OF 2018

Mr. GRASSLEY. We are here today to begin debate on a piece of legislation called the FIRST STEP Act of 2018. This happens to be the most significant criminal justice reform bill in a generation.

Our country is based upon the rule of law. If someone commits a crime, they should be punished, and that punishment should be severe enough to deter others from committing crimes.

But for our criminal justice system to serve our society well, it has to do more than punish and deter. Recidivism rates are far too high and drive crime rates up. In the Federal system, 49 percent of prisoners are rearrested within 8 years, and 32 percent are convicted of new crimes. We must better prepare prisoners to leave behind their criminal past and to become productive citizens when they leave the prison system.

We also need to make sure that criminal sentences are tough enough to punish and deter, but not be unjustly harsh. Sentences should not destroy the opportunity of redemption for inmates willing to get right with the law.

The FIRST STEP Act is tough on crime, but it is also fair. To tackle the recidivism rates in our country, the bill establishes evidence-based programming that has reduced recidivism at the State level. We have evidence from the States of Texas, Georgia, Mississippi, and many others to justify that fact.

The bill provides incentives for inmates willing to put in the work to complete these programs. Under this bill, a prisoner may earn 10 days of time credit for every 30 days of successful participation, which they can apply toward prerelease custody. However, access to these incentives is available only to those who pose little risk of committing new crimes.

The FIRST STEP Act requires the Bureau of Prisons to implement a risk assessment system to determine an inmate's risk of returning to crime after prison.

Access to the earned-time credits is limited to those who pose a minimum or low risk. The bill also makes clear that violent and high-risk criminals convicted of certain serious offenses are ineligible for the prerelease custody program.

The list of disqualifying offenses includes crimes relating to terrorism, murder, sexual exploitation of children, and gun crimes, among others that are listed in the bill. All fentanyl traffickers are disqualified from earning time credits.

The bill also makes sentencing fairer by returning some discretion to judges during sentencing. Some have called for eliminating mandatory minimums or cutting them back severely.

I happen to be a supporter of mandatory minimum sentences because it helps law enforcement take down criminal enterprises, but at the same time, I recognize there is some unfairness in how these mandatory minimum sentences are sometimes applied. The FIRST STEP Act leaves in place these maximum sentences but also addresses overly harsh and expensive mandatory minimums for certain nonviolent offenders. Locking up low-level offenders for needlessly long prison sentences diverts resources that are needed elsewhere to fight crime.

To address this, the FIRST STEP Act makes a number of changes to sentencing guidelines. First, the legislation clarifies that enhanced penalties for using a firearm during a crime of violence or drug crime should be reserved for repeat offenders of such crimes. That is what Congress had intended when it created the enhanced penalty in the first place.

Second, the bill would reduce the three-strike penalty for life imprisonment to 25 years. The 20-year minimum is reduced to 15 years. The bill also broadens the mandatory penalties, applying them to more of the worst criminals.

Third, the bill provides for more judicial discretion by expanding the existing Federal safety valve to include more low-level, nonviolent offenders. Consistent with the existing law, the judge cannot apply the safety valve unless the defendant has fully cooperated with law enforcement.

Lastly, the bill also allows for the retroactive application of the Fair Sentencing Act of 2010, which reduced the 100-to-1 disparity in sentencing between crack and powder cocaine.

I want to acknowledge President Trump's leadership on criminal justice reform. Without the President's engagement, we wouldn't be here today.

The President deserves credit for brokering a deal that improves fairness and supports law enforcement.

A tremendous amount of credit is also due to my colleagues in the Senate who helped to forge a bipartisan compromise on complex issues. I emphasize ''bipartisan compromise'' because the people in the grassroots of America, even in my State of Iowa, think there isn't much bipartisanship going on here.

I would especially like to thank my colleague, Senator DURBIN. He has been a partner through this entire process.

A bipartisan cosponsor includes Senator LEE, who has done a tremendous amount of work on this. In fact, he started with Senator DURBIN before I even got involved. We also have cosponsorships by Senators BOOKER, GRAHAM, WHITEHOUSE, SCOTT, FEINSTEIN, CORNYN, and LEAHY. They all deserve praise for reaching this deal.

The product of years of negotiating and listening to each other is a bill that will reduce crime, strengthen faith in our judicial system, support law enforcement, and give thousands of people a better shot at living good lives.

As we go to this very important first vote on this bill, which is to invoke cloture, I urge all of my colleagues to join with President Trump and our bipartisan coalition of supporters to support the FIRST STEP Act.

I yield the floor.

SAVE OUR SEAS ACT OF 2017—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes, with a further amendment numbered SA 4108.

Mitch McConnell, Mike Lee, John Cornyn, Chuck Grassley, Orrin G. Hatch, Tim Scott, Steve Daines, Jerry Moran, Todd Young, Susan M. Collins, Pat Roberts, Bill Cassidy, Lamar Alexander, Lindsey Graham, Jeff Flake, Rob Portman, Joni Ernst.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes, with a further amendment numbered 4108, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Louisiana (Mr. CASSIDY), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Tennessee (Mr. Alexander) would have voted ''yea''.

The PRESIDING OFFICER (Mr. DAINES). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 82, nays 12, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—82

Baldwin	Gillibrand	Nelson
Bennet	Grassley	Paul
Blumenthal	Harris	Perdue
Blunt	Hassan	Peters
Booker	Hatch	Portman
Boozman	Heinrich	Reed
Brown	Heitkamp	Roberts
Cantwell	Hirono	Rubio
Capito	Hoeven	Sanders
Cardin	Hyde-Smith	Schatz
Carper	Inhofe	Schumer
Casey	Isakson	Scott
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Corker	King	Smith
Cornyn	Klobuchar	Stabenow
Cortez Masto	Lankford	Tester
Crapo	Leahy	Thune
Cruz	Lee	Udall
Daines	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	McConnell	Whitehouse
Ernst	Menendez	Wicker
Feinstein	Merkley	Wyden
Fischer	Moran	Young
Flake	Murphy	
Gardner	Murray	

NAYS—12

Barrasso	Kennedy	Rounds
Burr	Kyl	Sasse
Cotton	Murkowski	Sullivan
Enzi	Risch	Toomey

NOT VOTING—6

Alexander	Graham	Johnson
Cassidy	Heller	Tillis

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 12.

Three-fifths of Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I be recognized for a few moments; that at the conclusion of my remarks, my colleague from Arkansas, Senator COTTON, be recognized; and that at the conclusion of his remarks, I be recognized again for a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 379

Mr. WHITEHOUSE. Mr. President, one of the things that marks service as a U.S. Senator is the chance to meet really remarkable individuals, and among the remarkable individuals I have had the chance to meet in my time in the Senate, there are few, if any, who are more impressive or memorable than those who have been diagnosed with ALS, commonly known as Lou Gehrig's disease.

Competing with them for being impressive and noteworthy are the friends and family and advocates who become their support system and their caregivers. It is not just those with the diagnosis, but it is also the family, friends, and caregivers who face incredible bravery. I remember someone once saying that a special kind of courage is maintaining good morale in the face of terrible circumstances, and few circumstances are more terrible than a diagnosis of ALS amyotrophic lateral sclerosis.

We know how it ends. We know it is always fatal. There is no treatment. There is no cure. There is nothing to halt or reverse the effects of ALS. Those of us who have ALS patients visit us watch the decline as they move from people who can walk to people who need a wheelchair, to people who need an increasingly complex wheelchair.

For all this suffering and for all the certainty of how it ends, we still make ALS patients and their family members wait 5 months before they can begin to receive the Social Security Disability Insurance benefits they earned by contributing into Social Security.

The logic, I am told, of this 5-month waiting period is that it allows temporary conditions to abate, but ALS is not a temporary condition. It does not abate. It does not reverse. Sadly, some ALS patients lose their fight with the disease before even receiving benefits.

I have been working with Senator COTTON to pursue bipartisan legislation to eliminate this 5-month waiting period for ALS. Chairman HATCH, in one of his final acts as chairman of the Finance Committee, expressed his approval of this and his desire to help me bring it forward, and Ranking Member WYDEN on the Finance Committee has helped get it to the floor so we can have this opportunity to pass it by unanimous consent.

I hope very much that as a simple act of humanity, we can step aside from bureaucratic considerations and allow this small population of Americans who face the extraordinary blow of this diagnosis to move immediately to the benefits they signed up for by contributing to Social Security.

With that, I would yield the floor to Senator COTTON of Arkansas.

Mr. COTTON. Mr. President, I thank the Senator from Rhode Island for his work on this important issue. I have had numerous ALS sufferers and family members of those who suffer from ALS approach me about this bill early in my time in the Senate, and I have been grateful for the opportunity to work with the Senator from Rhode Island to try to address this very sad problem.

ALS is a progressive and disabling disease for which there is no cure. It is

fatal in all cases. Unfortunately, like almost every other condition, ALS sufferers are required to wait for 5 months before they receive the Social Security Disability Insurance benefits they have earned; that they earned through a lifetime of paying taxes into Social Security.

I understand the purpose of this 5-month waiting period is to weed out temporary conditions, but ALS is not a temporary condition—or to prevent fraudulent claims, but it is hard to imagine anyone making a fraudulent claim on disability based on an ALS diagnosis. The average disability beneficiaries expect to receive benefits for about 20 years, but, unfortunately, those who have been diagnosed with ALS only have a life expectancy of approximately 3 years. Therefore, the disability waiting period of 5 months means that those on ALS will lose, on average, nearly one-seventh of the benefits they have paid a lifetime for. Of course, some will lose a lot more because of ALS's particularly degenerative nature. They will lose their fight to the disease before they ever become eligible for their disability benefits.

This legislation will simply ensure that those patients and their families can access the benefits they paid into as soon as possible by waiving that 5-month waiting period for disability benefits in this one exceptional case.

I understand there is objection about singling out the particular disease or condition. I would, however, say ALS is itself a singularly exceptional condition, and any sufferer of ALS deserves our sympathy, our prayers but also our action on the Senate floor.

I also understand there is objection to the cost of the legislation, which would be $270 million over 10 years—no doubt a lot of money to all Americans—but frankly a small rounding error in the Federal budget. For that matter, it is less than the amount of money for the piece of legislation that is pending on the floor today—a criminal leniency bill that would cost $352 million over 10 years.

If we are prepared to allow legislation to go forward that slashes sentences for serious drug traffickers and let sex offenders out of prison early, even though it costs $350 million, I would suggest it is a misplaced priority to object to legislation because it costs $270 million. So I hope, along with the Senator from Rhode Island, that we can pass this legislation in this week before Christmas and give some small measure of solace to those who are suffering from ALS and their families.

I yield back to the Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 379, a bill to eliminate the 5-month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis; that the Senate proceed to its immediate consideration; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate, as we come into this Christmas season.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I first became aware of amyotrophic lateral sclerosis when I was in the fifth grade, and I read a story, a book, and later a series of books about my childhood hero Lou Gehrig, whose name is often used synonymously with this terrible ailment. It is a tragedy that his life was ended and helped bring about the end of his 2,138 consecutive game playing streak in Major League Baseball.

This is a horrible disease, a progressive neurodegenerative condition that rapidly attacks the nerve cells in the brain and spinal cord and eventually it affects the control of the muscles that are needed to move, to speak, and even to eat and to breathe. Sadly, it is always fatal.

The bill now under consideration will grant a waiver from the Social Security Disability Insurance waiting period to victims of this terrible disease, no doubt with good, noble intentions, but what we have to remember is that this is not the only tragic disease Americans are dying from. Unfortunately, there are many others out there that are equally debilitating and equally fatal, and the Federal Government should not pick favorites to legislate from among them.

Indeed, this kind of policy and approach to policymaking poses several problems. First, it sets the precedent that some diseases or disabilities deserve preferential treatment and not necessarily with a distinction that sets them apart from that disparate treatment. It would undoubtedly open the door for exemption requests for a myriad of other groups who advocate for worthy causes, including any of the 233 compassionate allowance conditions that are already given expedited review for SSDI.

I have gone through that list and looked at that list and it contains a lot of other horrible, debilitating deadly diseases, among them non-Hodgkin's lymphoma that claimed the life of my father 22 years ago, along with a whole lot of other diseases that are deadly, that are painful, that are debilitating, that result in the incapacitation of their victims.

On top of all that, this approach will set the stage for only those diseases that have the most recognition and the most political backing to find bill sponsors, while others sit at a relative disadvantage with conditions that are more rare and underfunded.

Furthermore, while I am happy to consider working on the waiting period issue, we cannot do so without taking a larger look at SSDI as a whole and its sustainability. We cannot ignore the fact that Social Security is facing long-term insolvency with the DI Trust Fund set to run out in 2032, even sooner than the Old-Age and Survivors Insurance Trust Fund is set to expire and from which it has to borrow funds.

It is undoubtedly a noble intention to help those with ALS, but we will never have parity if we legislate disease by disease, especially among and between diseases that are comparably debilitating. I said it is incoherent and unjust to pick one favorite group where there are others that are every bit as deserving.

On that basis, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, let me go on the record to say how much I disagree with my colleague's view of this; the notion that we can't help anyone until we can help everyone is simply not the way the world works. The notion that we can't help anyone until we have solved whatever financial problems he sees in Social Security, again, means we will help no one.

I do believe Lou Gehrig's disease is a sufficiently distinct illness, with an inevitable fatality, and the slow loss of function for the individuals involved as the disease takes away, one by one, their various abilities to stand, to speak, and eat. I think it does set it apart.

If the Senator has other illnesses he thinks are equally cruel and equally lethal that he would like to add to the list, then I think we should consider that. The notion that we can't help fellow Americans with this disease because we haven't solved other problems is one I categorically reject.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I respectfully, most vehemently disagree with the characterization made by my distinguished colleague, the Senator from Rhode Island.

This is not, with all due respect, an instance of ''we can't help anyone until we help everyone.'' That is a blatant mischaracterization of the facts. We have already 233 conditions that qualify for the compassionate allowance category.

If you look through those, they are full of debilitating, life-threatening conditions. Those categories already do receive expedited treatment. They already are in a category where they have to be reviewed and a decision has to be made within a set period of time—I believe, within the range of 5 months.

That is a good thing, but it is simply not accurate. In fact, it is blatantly misleading to suggest that my argument here boils down to the notion that we cannot help anyone until we help everyone. That is not true. It is the point here that unless or until we can make a distinction between this condition and the other 233 conditions that are on that list, I see no valid

basis—other than the fact that this one has more political support and, perhaps, more financial backing—to draw that distinction here. I think it is unfair to those who benefit from and will need to invoke the need for Social Security disability insurance to put it in an even less sustainable posture moving forward.

Yes, in an ideal world we would like to say no waiting period for anyone. In an ideal world we would like to not have anyone have to wait for these sorts of things, but we do have, in our government, a susceptibility to claims that are not substantiated, and we also have people who have to review them. In the absence of a perfect system, it may not be possible. It certainly isn't going to be possible for us to make this program sustainable if we can't put meaningful limits on it.

Again, I am all for finding ways to shorten that waiting period as much as we possibly can. I have yet to hear an argument that sets this condition apart from the others in this category of 233 compassionate allowance conditions.

Thank you, Mr. President.

I yield the floor.

Mr. WHITEHOUSE. Mr. President, I simply note that the Senator seems to be making precisely the argument that he is denying that he has made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. In no way, shape, or form am I making the argument that we cannot help anyone until we help everyone. That is a mischaracterization of the argument I am making.

I am arguing that if, among and between these 233 categories, we can make no principle distinction between this condition and the others, we are mistreating those other people.

Who is going to stand here for them? Today, I am going to.

On that basis, I object.

Mr. WHITEHOUSE. Mr. President, at the Senator's desire, he may add any of those whom he wishes, and we will consider that going forward. Unless and until he does that, we are in a position that unless we are helping all of them, we will help none of them.

I yield the floor.

Mr. LEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DR. ORVILLE CLARK, JR.

Mr. MCCONNELL, Mr. President, today it is my privilege to pay tribute to Dr. Orville Clark, Jr., who was laid to rest in Arlington National Cemetery. When Dr. Clark passed away earlier this year at the age of 92, his family chose to honor his service in uniform by burying him at one of our Nation's most sacred sites.

A lifelong resident of Pikeville, KY, Orville entered the U.S. Army in December of 1943 to fight against the forces of evil in World War II. He served as a combat medic in the European theater, and his children recounted that Orville suffered a severe injury in 1945 as he attempted to rescue other soldiers. For his courage and sacrifice on that French battlefield, he earned the Purple Heart, our Nation's oldest military award still given to servicemembers.

After the war, Orville returned to Kentucky and he married Betty Jo the next year. He built an optometry practice and was a leader among his peers as the president of the Kentucky Optometric Association. Throughout their 72 years together, the couple raised their children, Alicia and Orville, and instilled in them life's important lessons.

Later in his life, Orville would walk to a local fast food restaurant every day for a cup of coffee. Apparently he made such an impression on the staff there that, at his funeral in Pike County, the crew served as his pall bearers. The Clark family then traveled with his remains to Orville's final resting place in our Nation's Capital. On a windy day in Arlington, our Nation rendered military honors and expressed its gratitude to Orville for his service and sacrifice.

The men and women of the ''greatest generation'' often chose to leave the safety of home to defend the freedom of our Nation and of the world. Like so many of his comrades, Orville patriotically stood against the enemies of the United States. In doing so, he displayed the highest values of our Commonwealth and our Nation. As Betty Jo, Alicia, and Orville grieve this loss, our thoughts and prayers are with them. I urge my Senate colleagues to join me in expressing our sincere condolences to the Clark family.

TRIBUTE TO RONNIE ELLIS

Mr. MCCONNELL. Mr. President, when he retired last month, Ronnie Ellis closed the book on his long and proud career in journalism. A native of Glasgow, KY, Ronnie spent his professional life writing about the issues important to his fellow Kentuckians and the Commonwealth he loves. In doing so, he shared firsthand insights with his readers about the happenings in their capital and earned a reputation as one of the most trusted voices in Frankfort.

Ronnie's first job in journalism came at the Edmonson News, a family-owned weekly publication in South Central Kentucky. He was so eager to put words in print that he even started working there before he had finished his studies at Western Kentucky University in nearby Bowling Green. He clearly had a knack for it. From there, Ronnie worked at both the, Glasgow Daily Times and Henderson Gleaner, two newspapers with historic roots in Western Kentucky.

In 2005, he moved to Frankfort and joined the Community Newspaper Holdings, Inc., CNHI, giving Ronnie the opportunity to have his articles printed in papers throughout the Commonwealth. His move to CNHI also brought a change in focus, Leading the organization's bureau in Frankfort, Ronnie kept a close eye on State government and politics. In addition to his written columns, he also became a frequent guest on Kentucky Educational Television's public affairs program, ''Comment on Kentucky.''

Through the years, I spoke with Ronnie about the issues of the day and their importance to our home State. He never shied away from the tough questions, and his professionalism helped set the standard for other journalists.

There is good news, however, for Ronnie's dedicated readers. We aren't losing his viewpoint forever. In the new year, Ronnie plans to continue writing a regular column for CNI. I would like to take this chance to join Ronnie's audience in thanking him for his years of reporting and wishing him a fulfilling retirement. I ask my Senate colleagues to join Elaine and me in thanking Ronnie for his commitment to journalism in Kentucky.

TRIBUTE TO DAVID FIELDS

Mr. MCCONNELL. Mr. President, it is my honor to pay tribute to my friend, David Fields, who is the Butler County judge-executive from my home State of Kentucky. Earlier this year, David announced that his time in public service would come to a close soon, ending more than a decade of leadership and success for those who put their trust in him.

After a successful career owning a body shop with his wife, Virginia, David chose to dedicate himself to the service of his community. First elected in 2006, David quickly got to work leading the county. As a former judge-executive myself, I know firsthand just how many responsibilities land on your plate, and David accomplished a great deal along the way.

In particular, David has been a wonderful ally to me here in the Senate in our work for this region. The Green River, which flows through Butler County, brings the potential for transportation and commerce. I had the opportunity to work closely with David

during our effort to transfer the ownership of the Rochester from the U.S. Army Corps of Engineers, USACE, to the local community. The dam, which is more man 175 years old and provides a vital water supply to nearly 50,000 Kentuckians, had fallen into disrepair and its uncertain status with the USACE threatened Butler County's economic future. With David's advocacy, I inserted a provision in a recent water infrastructure bill transferring control of the dam to the local community.

Last year, I also proudly supported the Rochester Dam Regional Water Commission's application for an economic development grant to renovate the dam and secure its future for the area. With a $3 million investment, local leaders like David can continue to help this region grow and benefit Kentuckians for years to come.

Although I am sorry to see him go, I wish David a wonderful retirement. I am told he looks forward to spending more time with Virginia, his son, Greg, and two granddaughters. I would like to thank David for his leadership of Butler County and for his dedicated service to its citizens. I urge my Senate colleagues to join me in congratulating David on this remarkable milestone.

TRIBUTE TO JAMES LEWIS

Mr. MCCONNELL. Mr. President, I would like to take a moment to congratulate my friend, Leslie County clerk James Lewis, on his upcoming retirement from public service. For more than three decades, James has worked for his neighbors in local government, earning respect throughout the county and the Commonwealth. As he prepares to leave the Leslie County Clerk's Office, I want to thank him for his tireless work and dedication to our State.

First elected in 1985, James has been a fixture of his community for more than a generation. Of the many responsibilities of a county clerk, perhaps the most important is the operation and safeguarding of Americans' access to the ballot box. Throughout his service as county clerk, James has overseen nearly 60 elections, including every office from jailer to the President of the United States. Although the technologies involved may have changed, his commitment to his office has never wavered. I have had the pleasure to work with James on a number of projects throughout the years. His passion for the people of Leslie County is apparent in everything he does, and they have been served well by his time in office.

James became a respected leader among all 120 county clerks throughout the Commonwealth. From 1994 to this year, he served as the chairman of the Kentucky County Clerk's Association Election Committee, administrating election training for all other clerks for more than 20 years. Between 1999–2000, James served as the association's president. One of the association's initiatives, which James helped found, is the Help A Veteran Everyday, H.A.V.E., Program. James spearheaded one of their projects, which involves repurposing license plates into bird houses. The finished products can then be purchased at the clerk's offices. Through these efforts, James is helping support Kentucky's men and women who served our Nation in uniform.

Whatever retirement may hold in store for James, I wish him all the best. Perhaps he will spend more time on his hobbies, like gardening or fishing. I have no doubt that he will be enjoying more time with his wife, Betty, daughters, Danika and Wendy, and grandchildren, Kelsey and R.J. As he begins his well-deserved retirement, I would like to congratulate James on a distinguished career. I urge my Senate colleagues to join me in thanking James for his remarkable public service to Leslie County and to the Commonwealth of Kentucky.

TRIBUTE TO TERRY MARTIN

Mr. MCCONNELL. Mr. President, it is my privilege to salute my friend, Hart County judge-executive Terry Martin, as he completes his career of public service. Since he took office in 2005, Terry has dedicated nearly every waking hour to his constituents. As he begins the next chapter of his life, I would like to remember his lasting record of success and to express my sincere gratitude.

After graduating from Western Kentucky University, Terry spent 27 years in education. He was a teacher, an administrator, and a coach helping to guide the next generation. In 2005, Terry was appointed by the Governor to serve as Hart County's judge-executive, the leading elected official in county government. For Terry, entering public service was like joining the family business. His father, Elroy, was a city judge, a local fire chief, and a county magistrate. His brother, Glenn, was also a magistrate and part of this noble family tradition. The drive to serve his neighbors just seems to run in Terry's veins.

In the county's top job, Terry had a lot of responsibilities. With a goal to provide essential services to the residents in a fiscally responsible way, Terry consistently went beyond the typical job description. I hear he would even drive a snow plow during winter storms. As a former county judge-executive myself, I know firsthand how difficult a job this can be. Whatever challenge he may have faced, Terry consistently excelled and earned the trust of his constituents and his colleagues.

During his time in office, I have enjoyed working with Terry on a number of projects to help Kentucky, We collaborated with the Green River Valley Water District to deliver drinking water to rural parts of the county. Terry also identified the alarming frequency of collisions along Interstate 65 in the county. Together, we prioritized resources to expand the highway, promoting safety for both families and commercial travelers.

As he begins his well-deserved retirement, I am confident Terry looks forward to spending more time with his loving family. With Carmen, his wife of 40 years, they are proud parents to Lynlea and grandparents to Lyndon and Gwyneth. I wish the entire Martin family the very best as they take this next step together. Along with all those who have benefited from Terry's service to Hart County and to our Commonwealth, I would like to say thank you. He's been a good friend and a strong leader for Kentucky. I urge my Senate colleagues to join me in congratulating Judge Terry Martin for a job well-done and wishing him a fulfilling retirement.

TRIBUTE TO SARAH NICHOLSON

Mr. MCCONNELL. Mr. President, it is my pleasure today to pay tribute to Sarah Nicholson, a great Kentuckian who recently retired from a nearly four-decade career with the Kentucky Hospital Association, KHA. Serving as the vice president of government relations for the statewide professional trade association representing hospitals throughout the Commonwealth, Sarah earned a strong reputation for her legislative acumen and her tireless advocacy.

As the leader of the association's public affairs operations, Sarah has worked with members of the Kentucky General Assembly and the executive branch for the advancement of our State's hospitals. She was also tasked with supporting beneficial legislation at the Federal level. As my staff and I have worked with the KHA through the years, Sarah was an effective advocate for its priorities.

In addition to her diligent work for the KHA, Sarah is passionate about bettering educational opportunities around Kentucky. At her alma mater, Western Kentucky University, she served on its board of advisers, its college of health and human services advisory board, and its alumni board. Sarah was also a representative on the Kentucky Council on Postsecondary Education Inter-Alumni Council and the Centre College Parents Advisory Committee.

As Sarah begins the next chapter of her life, I am confident that she is looking forward to spending more quality time with her family, especially her husband, retired Jefferson County District Judge James C. Nicholson, and their three children. I hope she enjoys every well-deserved time with them. I ask my Senate colleagues to join me in congratulating Sarah Nicholson on her retirement and thanking her for her work on behalf of Kentucky.

TRIBUTE TO SCOTT REYNOLDS

Mr. MCCONNELL. Mr. President, later this month, one of Louisville's

finest broadcast journalists, Scott Reynolds, will be signing off the air at Wave 3 News for the last time. For more than 20 years, Scott has brought his passion for Louisville and commitment to professionalism to our local NBC affiliate. Along the way, he has won awards, built friendships, and earned the respect of his viewers. As he prepares to leave Wave 3, I would like to take a moment to honor his career of accomplishment in Kentucky.

Scott grew up on a dairy farm an hour outside of Minneapolis, MN. A fierce competitor, he loved playing baseball and watching the professionals on television. Later in his life, Scott would bring that same competitive nature to his work on the other side of the camera as a broadcaster. After graduating college, he moved to northern Idaho to work for a local radio station. Throughout his career, Scott has worked in several markets, including Cedar Rapids, IA, Las Vegas, NV, and eventually back near his home in Minneapolis.

It's from there that Wave 3 convinced Scott to accept a new adventure in Louisville in 1996. He was ready for the intense market, even describing a constant ''news war'' in local television. He is clearly thriving in the competition. Now the anchor of the 5, 6, and 11 pm newscasts, Scott was even recognized among his peers in 2016 winning an Emmy.

Although he has earned his seat behind the anchor's desk, that doesn't mean Scott necessary stays there. In fact, I have heard some of his favorite segments have come from the field, including his coverage of the U.S. Supreme Court's Bush v. Gore decision in 2000 and his trip to the 2002 Winter Olympics in Salt Lake City.

I have enjoyed the many times have gotten to speak with Scott about my work in the U.S. Senate. Discussing a broad range of topics important to Kentuckians throughout the years, I am grateful for his balanced demeanor and commitment to integrity. Every time he interviewed me, it was clear I was talking to one of the best in the business.

Although broadcast journalism is a fast-paced, time-consuming job, Scott still finds time for his many hobbies, including charity work with the Juvenile Diabetes Research Foundation and the American Red Cross. The rest of his time is devoted to his wife and five children: Haley, Connor, Tyler, and twins Matthew and Logan. I would like to extend my warmest wishes to Scott with gratitude for his work at Wave 3 News. I know his drive and talent will be missed. I would like to ask my Senate colleague to join me in congratulating Scott Reynolds on a job well done.

REMEMBERING JOHN ANDREW RICKETT

Mr. MCCONNELL. Mr. President, today I wish to remember the life of John Andrew Rickett of Wayne County, KY, who passed away earlier this year at the age of 94. As a proud member of the ''greatest generation,'' J.A. served in the U.S. Army Air Corps during World War II before returning to service again to fight in the Korean war. J.A. was a leader in his community, providing guidance to all those around him, and he will be remembered by many.

Born and raised in Wofford, J.A. interrupted his high school studies and was drafted into the Army Air Corps. Arriving in England 1 month prior to D-Day, J.A. flew as a B17 waist gunner on several missions over Europe. His service played an important role in helping the Allies win the war.

After his service in the Second World War, J.A. met the love of his life, Frieda. He dedicated the next 64 years to the service and love of his wife and their children. J.A. earned his bachelor's degree in agriculture from the University of Kentucky, where he was also active in the Reserve Officers' Training Corps, ROTC. Upon graduating, he received a commission into the Army as a lieutenant and was drafted once again and sent to Korea.

When he returned, J.A. began working for the UK Extension Service, initially as an agriculture agent but later as a 4H Agent in Monticello. His family remembers that it was with the 4H that he found great joy. Because of his many years of work with the 4H, J.A. is known for his care and respect for several generations of youth in Wayne County.

Elaine and I send our condolences to his children, Cassandra, Jerry, Rebecca, and John, and their friends. I ask my Senate colleagues to join me in remembering the life of a great man, J.A. Rickett.

TRIBUTE TO TOMMY WILLETT

Mr. MCCONNELL. Mr. President, after leading the Monroe County government for nearly a decade, my friend County judge-executive Tommy Willett will retire at the end of his term. I would like to take a moment to congratulate him on his accomplishments during his time in office and to thank him for his leadership.

In 2011, Tommy answered the call of public service, stepping away from his successful business career to run for office. The job isn't an easy one. Speaking as a former judge-executive myself, I know firsthand the broad range of responsibilities that fall into the job description. But whatever the challenge, Tommy always worked to better the lives of the men and women of Monroe County.

I would like to mention one particular project I had the privilege to work on with Tommy. More than a decade ago, the community began discussing plans to construct its own water treatment facility. At that time, the county was purchasing water from the city of Tompkinsville, eventually reaching a high cost of nearly $80,000 per month. When county officials brought the idea to my attention, I stepped in to help. In addition to funds raised by the community and at the State level, I directed Federal resources to the project to help complete it. Working together with Tommy for a number of years, I was delighted to see the facility become fully functional earlier this year, with the capacity to pump 2 million gallons of water per day.

The Monroe County Water District's treatment plant is just one example of Tommy's lasting impact on behalf of his constituents. With a constant drive to help Kentuckians however possible, he should be proud of his time in office. As he ends his public service, I extend my warm wishes for a restful retirement. Whatever the future may hold for Tommy, I hope he enjoys more time with his sons, Scott and James, and his four grandchildren, I ask my Senate colleagues to join me in congratulating Judge-Executive Tommy Willett for his public service in Kentucky.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that this letter from 44 former U.S. Senators be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 10, 2018.

DEAR SENATE COLLEAGUES: As former members of the U.S. Senate, Democrats and Republicans, it is our shared view that we are entering a dangerous period, and we feel an obligation to speak up about serious challenges to the rule of law, the Constitution, our governing institutions and our national security.

We are on the eve of the conclusion of special counsel Robert S. Mueller III's investigation and the House's commencement of investigations of the president and his administration. The likely convergence of these two events will occur at a time when simmering regional conflicts and global power confrontations continue to threaten our security, economy and geopolitical stability.

It is a time, like other critical junctures in our history, when our nation must engage at every level with strategic precision and the hand of both the president and the Senate.

We are at an inflection point in which the foundational principles of our democracy and our national security interests are at stake, and the rule of law and the ability of our institutions to function freely and independently must be upheld.

During our service in the Senate, at times we were allies and at other times opponents, but never enemies. We all took an oath swearing allegiance to the Constitution. Whatever united or divided us, we did not veer from our unwavering and shared commitment to placing our country, democracy and national interest above all else.

At other critical moments in our history, when constitutional crises have threatened our foundations, it has been the Senate that has stood in defense of our democracy. Today is once again such a time.

Regardless of party affiliation, ideological leanings or geography, as former members of this great body, we urge current and future Senators to be steadfast and zealous guardians of our democracy by ensuring that partisanship or self-interest not replace national interest.

Max Baucus,(Montana); Evan Bayh, (Indiana); Jeff Bingaman, (New Mexico); Bill Bradley, (New Jersey); Richard Bryan, (Nevada); Ben Nighthorse Campbell, (Colorado); Max Cleland, (Georgia); William Cohen, (Maine); Kent Conrad, (North Dakota); Al D'Amato, (New York); John Danforth, (Missouri); Tom Daschle, (South Dakota); Dennis DeConcini, (Arizona); Chris Dodd, (Connecticut); Byron Dorgan, (North Dakota).

David Durenberger, (Minnesota); Russ Feingold, (Wisconsin); Wyche Fowler, (Georgia); Bob Graham, (Florida); Chuck Hagel, (Nebraska); Tom Harkin, (Iowa); Gary Hart, (Colorado); Bennett Johnston, (Louisiana); Bob Kerrey, (Nebraska); John Kerry, (Massachusetts); Paul Kirk, (Massachusetts); Mary Landrieu, (Louisiana); Joe Lieberman, (Connecticut); Blanche Lincoln, (Arkansas); Richard Lugar, (Indiana).

Barbara Mikulski, (Maryland); Ben Nelson, (Nebraska); Sam Nunn, (Georgia); Larry Pressler, (South Dakota); David Pryor, (Arkansas); Don Riegle, (Michigan); Chuck Robb, (Virginia); Jay Rockefeller, (West Virginia); Jim Sasser, (Tennessee); Alan Simpson, (Wyoming); Mark Udall, (Colorado); John Warner, (Virginia); Lowell Weicker, (Connecticut); Tim Wirth, (Colorado).

TRIBUTE TO JANAN EVANS-WILENT

Mr. THUNE. Mr. President, today I wish to recognize Ms. Janan Evans-Wilent, a Knauss Sea Grant fellow on the U.S. Senate Committee on Commerce, Science, and Transportation, for all of the hard work she has done for me, my staff, and other members of the committee over the past year.

Ms. Evans-Wilent has leveraged her scientific expertise to inform public policy, having worked on several pieces of legislation that have passed the Senate and several others being considered by the Committee on Commerce, Science, and Transportation. Her contributions have helped ensure the proper management of our natural resources and the continued protection and prosperity of our Nation. Her contributions will help improve drought monitoring for farmers and improved coastal management across the Nation.

I would like to extend my sincere thanks and appreciation to Ms. Evans-Wilent for all of the fine work she has done. I wish her continued success in her new career at the Federal Emergency Management Agency in the years to come.

TRIBUTE TO SENIOR MASTER SERGEANT MEGAN PARROTT

Mr. BOOZMAN. Mr. President, today I wish to recognize and highlight the significant contributions of Megan Parrott, my 2018 Air Force fellow. SMSgt Megan Parrott began her fellowship in my office in January and immediately became an invaluable member of my staff. Her work as a part of my national security team has been beneficial in the efforts of my office to advocate and improve life for servicemembers, veterans, and Arkansans.

Megan was born in Longbranch, NJ, and enlisted in the Air Force in 1999.

In her 19-year military career, both on Active Duty and in the Reserves, Megan has excelled in her work. A career maintainer, Megan has served as a lead technician, flying crew chief, section chief, and flight line production superintendent. As a testament to her capabilities, in February 2012, Megan was selected for a position on the joint staff, working for the Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff. In that position she was the program manager and confidential adviser on matters including joining forces, the Women in Service Review, the Yellow Ribbon Program, and personnel readiness.

She has used her extensive experience in the Air Force and the joint staff to help me serve Arkansans. Throughout her tenure on my staff, Megan demonstrated the Air Force core values of ''Integrity First, Service Before Self, and Excellence In All We Do.'' I relied upon Megan's input on all matters of defense and veterans' policy. Megan drafted legislation, recommended policy positions, staffed me at Senate Veterans' Affairs Committee hearings, represented me in meetings, and helped support my priorities during the appropriations process. She also assisted me in my role as a cochair of the Senate Air Force Caucus. Megan supported multiple congressional delegation trips to Air Force bases and coordinated meetings between Senators, the Secretary of the Air Force, and the Chief of Staff of the Air Force.

Megan was well versed in the subject matter and fully steeped in research, and she always supplemented her knowledge with insights from her personal experience as a senior enlisted leader in the military. In true senior NCO fashion, Megan made time during her year as a fellow to mentor junior members of my staff, providing career advice, offering information about executive branch functions, and talking about professional development opportunities.

As the son of an Air Force master sergeant, I am especially proud to have hosted an enlisted fellow this year. I am only surprised that Megan is not yet a chief master sergeant, and I look forward to attending her promotion to chief in the very near future.

Megan, thank you for all you have done for Arkansas while working on my staff. To her husband Chris—also an Air Force senior enlisted leader—and their two daughters, Natalie and Emily, I say thank you for sharing your amazing wife and mother with my team this year.

ADDITIONAL STATEMENTS

TRIBUTE TO KYLE WILSON AND ANTHONY BYRNS

• Mr. DAINES. Mr. President, this week I have the honor of recognizing two outstanding Montanan men. Kyle Wilson of Richland County and Anthony Byrns of Sanders County for their dedicated service to this country.

Kyle Wilson was born and raised in Sidney, MT. A lifelong Montanan who graduated from Sidney High School in 2011. Kyle, dedicated his life to public service, by joining the U.S. Navy. Hard working and disciplined are a few of the words used to describe those who join the, Armed Forces, and Kyle is the epitome of a hard working seaman.

Anthony Byrns, Montana native, from Hot Springs truly grew up knowing the meaning of small town. Following the footsteps of many in his family, Anthony joined the U.S. Navy directly following his graduation from Hot Springs High School in 2015. Anthony has been a dedicated leader, taking initiative of the opportunities set before him. Proud of his small town heritage, he is honored to represent Montanans.

Kyle Wilson and Anthony Byrns are a part of just 1 percent of the Navy who were chosen to be in the Navy Ceremonial Guard. Upon selection they both went through Ceremonial Guard School, an 8-week program where they learn the protocol for important military ceremonies such as funerals. With the passing the late President H.W. Bush, both Wilson and Byrns were selected to carry his casket during the state ceremony, an honor of a life time.

I commend both Kyle and Anthony for their diligent service to this country and congratulate them for representing Montana with honor and pride. I look forward to seeing their future success as they continue to make all Montanans proud.•

TRIBUTE TO DAVE BUSIEK

• Mr. GRASSLEY. Mr. President, I would like to pay tribute to an Iowan whose stewardship at a leading television news station in Des Moines, IA, has strengthened the principles of good government, transparency and the public's right to know.

As a member of the broadcast press corps for four decades, Dave Busiek understands that freedom of the press is fundamental to liberty in this country. I often say that journalists serve an important role in our system of checks and balances, which preserves liberty. They are integral to keeping an engaged and infoimed citizenry. They report corruption, weed out wrongdoing, and hold government accountable to the American people.

Throughout my public service and political life, I hold myself accountable to Iowans by making myself accessible to members of the media. I hold regular news conferences and answer their questions in the hallways of the U.S. Capitol and after my county meetings at home in Iowa.

It is a commitment I have kept since my first campaign for the U.S. Senate back in 1980. And that happens to be the year my political path crossed with Dave Busiek. In fact, for as long as I have served Iowans in the U.S. Senate, Dave Busiek has served the people of Iowa in broadcast journalism: as a reporter, anchor, and news director at

KCCI-TV in Des Moines, where he started in 1979 after working for 3 years at WHO Radio.

Dave has led coverage of breaking news events, natural disasters, government and politics, and human interest stories that keep Iowans informed. When there has been a story to tell and information that matters to Iowans, Dave has led the coverage over the span of four decades. Twenty-nine years ago, he covered the United Flight 232 plane crash in Sioux City. He made sure Iowans knew what they needed to know during the historic floods of 1993 and during the tornadoes in Marshalltown, Pella, and surrounding communities this past summer. With fairness, accuracy and objectivity, Dave has led a team of journalists to report the news that affects the lives of Iowans, including decades of coverage of one my favorite places in Iowa: The Iowa State Fair.

Of course, Iowa is considered ground zero for the presidential campaign trail and all things politics. Dave's political coverage extends to six Iowa Governors and dates back to George H.W. Bush beating Ronald Reagan in the 1980 caucuses. As I mentioned earlier, he covered my first Senate campaign in 1980 and 35 years later, partnered with CBS News and the Des Moines Register to cosponsor the Democratic Debate for President at Drake University.

His 29-year tenure as news director at KCCI helped the station win countless awards for journalistic excellence. In 2002, he was elected chair of the Radio-Television News-Directors Association and was named News Director of the Year in 2014 by Broadcasting and Cable Magazine. He was inducted this summer into the Iowa Broadcasters Association Hall of Fame. He understands that good content is integral to survival from an economic standpoint and obviously, good content matters to good government and quality journalism. He pursued KCCI's expansion into social media where the news station provides weather and breaking news coverage across all digital platforms to its consumers. Whether on-air or online, Dave has worked to stay on top of the news, day after day, for four decades.

Dave Busiek is not a native Iowan, but we sure are glad he has called Iowa home since graduating from the Missouri School of Journalism. Remarkably, he is only the third news director at KCCI since it first aired in 1955. From viewers to voters, I know that Iowans carry a high bar of expectations. Dave earned his rise through the ranks and certainly has raised the bar even higher for his peers in the profession.

I would like to thank Dave Busiek for his service, professionalism and integrity in broadcast journalis also like to thank him for his testimony at a congressional hearing I led back in 2000. He testified in support of my bipartisan legislation to allow cameras in Federal courtrooms. The Supreme Court has affirmed that the public has a right to know what happens in our courts. Dave and I agree that the media can serve as an important surrogate to allow the court of public opinion to bear witness to the court of law through the unfiltered lens of a camera. Specifically, audio/visual streaming and broadcasting of the Federal courts would enhance better appreciation and understanding of the Federal judiciary, a coequal branch of the Federal Governnent. That was 18 years ago. And I am not giving up on getting this bill signed into law. They say slow and steady wins the race. The people of Iowa graciously put me on this fence post and I am committed to fighting the fight as long as I am serving in the U.S. Senate.

I congratulate Dave Busiek on a remarkable career. His legacy will continue to shine long after he signs off as news director through the lens of countless journalists he has trained and mentored along the way.●

RECOGNIZING SCHILLING BEER CO.

● Ms. HASSAN. Mr. President, last month, as fires raged across northern California, a New Hampshire family business stepped up to help. For their efforts, I am proud to recognize Dr. Bruce Cozzens, his sons Jeff, Stuart, and Matt; long-time friend John Lenzini, as well as head brewer Chris Deapo of Schilling Beer Co. as December 2018's Granite Staters of the Month.

Schilling Beer Co. was founded in 2013 by friends and family who are deeply committed to their community, and one of their core values as a business is looking out for others. As CEO Jeff Cozzens put it, ''part of living this value means that we help others whenever it is within our power do so.''

As the Camp Fire blazed, Schilling Beer Co. agreed to be part of a national ''Resilience'' fundraiser spearheaded by Sierra Nevada Brewing. As part of the initiative, Schilling Beer Co. will join breweries across the country to help brew the Resilience Butte Country Proud IPA, of which all of the proceeds will go to relief efforts in Butte County, CA. Schilling Beer Co. also played an important role by lending their trademarked name of ''Resilience,'' their American ale project, to the cause.

In Jeff's words, ''Butte County residents have suffered a tragedy of unspeakable proportions,'' and the brewery was honored to be able to play a role in assisting them.

I am extremely grateful for their generosity and efforts to help the victims of the California wildfires, and I am proud to recognize the Cozzens and Lenzini families of Schilling Beer Co., as well as head brewer Chris Deapo, as the December Granite Staters of the Month.●

TRIBUTE TO JOSIAH LINDQUIST

Mr. THUNE. Mr. President, today I recognize Josiah Lindquist, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Josiah is a graduate of Milbank High School in Milbank, SD. Currently, he is attending Concordia College in Moorhead, MN, where he is pursuing a degree in global studies and political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Josiah for all of the fine work he has done and wish him continued success in the years to come.

TRIBUTE TO SEAN ZIMNY

● Mr. THUNE. Mr. President, today I recognize Sean Zimny, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Sean is a graduate of Milbank High School in Milbank, SD. Currently, he is attending Concordia College in Moorhead, MN, where he is pursuing degrees in sociology and social activism. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Sean for all of the fine work he has done and wish him continued success in the years to come.●

MESSAGE FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 1501(c) of the FAA Reauthorization Act of 2018 (Public Law 115–254), the Minority Leader appoints the following individual on the part of the House of Representatives to the Syria Study Group: Ms. Anne W. Patterson of Falls Church, Virginia.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL (for himself, Mr. CRUZ, and Mr. GRASSLEY):

S. 3760. A bill to amend the Federal Water Pollution Control Act to clarify the definition of navigable waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PAUL:

S. 3761. A bill to provide regulatory relief to alternative fuel producers and consumers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Mr. MURPHY, Mr. BLUMENTHAL, Mr. DURBIN, and Mr. CARPER):

S. 3762. A bill to amend the Higher Education Opportunity Act to restrict institutions of higher education from using revenues derived from Federal educational assistance funds for advertising, marketing, or

recruiting purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRUZ (for himself and Mr. COTTON):

S. Res. 732. A resolution expressing the sense of the Senate that the United States should recognize Israel's sovereignty over the Golan Heights; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 352

At the request of Mr. CORKER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 352, a bill to award a Congressional Gold Medal to Master Sergeant Rodrick ''Roddie'' Edmonds in recognition of his heroic actions during World War II.

S. 548

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 1089

At the request of Mr. PORTMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1089, a bill to require the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil.

S. 1101

At the request of Mr. CASEY, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1101, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1906

At the request of Mr. MARKEY, the names of the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1906, a bill to posthumously award the Congressional Gold Medal to each of Glen Doherty, Tyrone Woods, J. Christopher Stevens, and Sean Smith in recognition of their contributions to the Nation.

S. 2018

At the request of Mr. BENNET, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2018, a bill to amend the Internal Revenue Code of 1986 to make the child tax credit fully refundable, establish an increased child tax credit for young children, and for other purposes.

S. 2122

At the request of Mr. MERKLEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2122, a bill to amend the Fair Labor Standards Act of 1938 regarding reasonable break time for nursing mothers.

S. 2407

At the request of Ms. HASSAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2407, a bill to establish a career pathway grant program.

S. 3247

At the request of Mr. BOOZMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3247, a bill to improve programs and activities relating to women's entrepreneurship and economic empowerment that are carried out by the United States Agency for International Development, and for other purposes.

S. 3521

At the request of Mr. CASEY, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 3521, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 3622

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3622, a bill to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

S. 3702

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3702, a bill to amend title XIX of the Social Security Act to prevent the misclassification of drugs for purposes of the Medicaid drug rebate program.

S. RES. 717

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 717, a resolution honoring the life and legacy of Rebecca Teresa Weichhand.

AMENDMENT NO. 4109

At the request of Mr. KENNEDY, the names of the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Arizona (Mr. KYL), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Nebraska (Mr. SASSE) were added as cosponsors of amendment No. 4109 proposed to S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 732—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD RECOGNIZE ISRAEL'S SOVEREIGNTY OVER THE GOLAN HEIGHTS

Mr. CRUZ (for himself and Mr. COTTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 732

Whereas, until 1967, Syria controlled the Golan Heights and used the topographical advantage it provided to attack Israeli troops and civilians;

Whereas, in June 1967, Syria intensified its attacks against Israel from the Golan Heights, and Israel captured the Golan Heights in a defensive war;

Whereas, in October 1973, the Golan Heights provided Israel with critical strategic depth to repel a surprise attack by Syrian forces;

Whereas, on September 1, 1975, President Gerald Ford provided a diplomatic assurance to Israel that ''the U.S. will support the position that an overall settlement with Syria in the framework of a peace agreement must assure Israel's security from attack from the Golan Heights'' and that ''the U.S. has not developed a final position on the borders. Should it do so it will give great weight to Israel's position that any peace agreement with Syria must be predicated on Israel remaining on the Golan Heights'';

Whereas, in October 1991, Secretary of State James Baker provided a diplomatic assurance to Israel that ''the United States continues to stand behind the assurance given by President Ford to Prime Minister Rabin on September 1, 1975'';

Whereas, in 1981, Israel applied its ''law, jurisdiction, and administration'' over the Golan Heights and has controlled the Golan Heights for 51 years;

Whereas, since 2011, Syrian dictator Bashar al-Assad has killed hundreds of thousands of Syrian civilians, including with weapons of mass destruction, and has pursued an ethnic cleansing campaign against Syrian Sunnis;

Whereas Iran has used the war in Syria to establish a military presence in the Levant, including thousands of Iranian troops and proxies, and now seeks to create territorial corridors that solidify its control, expand its activities, establish a permanent military presence, and provide arms to its terrorist proxies;

Whereas Iran is the world's leading state sponsor of terrorism and the leaders of Iran regularly threaten to wipe out Israel;

Whereas Iran and its proxies have repeatedly attacked Israel from inside Syria, including in February 2018 when Iranian forces infiltrated Israel with a drone and in May 2018 when Iranian forces shelled the Golan Heights;

Whereas, in December 2014, Congress unanimously resolved that the United States supported the sovereign right of the Government of Israel to defend its territory and its citizens from attacks against Israel by Hamas, a terrorist group supported by Iran; and

Whereas Israel's control over the Golan Heights provides a defensible border, deters attacks from hostile forces, facilitates intelligence gathering, and allows Israel to detect threats to its national security: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

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

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

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

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

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

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

AMENDMENTS SUBMITTED AND PROPOSED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT OF AMENDMENTS

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

Strike all after the enacting clause and insert the following:

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

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

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

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

SEC. 2. FINDINGS.

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

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

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

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

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

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

(A) Recreational fishing.

(B) Charter fishing.

(C) Commercial fishing.

TITLE I—CONSERVATION AND MANAGEMENT

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

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

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

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

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

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

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

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

(1) the South Atlantic Fishery Management Council; or

(2) the Gulf of Mexico Fishery Management Council.

SEC. 102. FISHERY MANAGEMENT MEASURES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE II—RECREATION FISHERY INFORMATION, RESEARCH, AND DEVELOPMENT

SEC. 201. COOPERATIVE DATA COLLECTION.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 202. RECREATIONAL DATA COLLECTION.

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

(1) in subsection (g)—

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

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

''(4) FEDERAL-STATE PARTNERSHIPS.—

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

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

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

''(i) the estimated accuracy of—

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

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

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

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

''(D) STATES GRANT PROGRAM.—

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

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

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

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

TITLE III—RULE OF CONSTRUCTION

SEC. 301. RULE OF CONSTRUCTION.

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

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

At the end, add the following:

TITLE VII—WALTER SCOTT NOTIFICATION ACT OF 2018

SEC. 701. SHORT TITLE.

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

SEC. 702. DEFINITIONS.

In this title—

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

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

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

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

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

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

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

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

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

(5) a brief description of the event;

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

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

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

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

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

(11) the case disposition, including whether—

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

(B) criminal charges were filed;

(C) prosecution was declined;

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

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

(c) COMPLIANCE.—

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

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

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

''(n) USE OF FORCE REPORTING.—

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

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

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

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

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

(f) PUBLIC AVAILABILITY OF DATA.—

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

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

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

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

At the end of the bill, add the following:

TITLE VII—USE OF LETHAL FORCE BY LAW ENFORCEMENT OFFICERS

SEC. 701. SHORT TITLE.

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

SEC. 702. DEFINITIONS.

In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) criminal charges were filed;

(C) prosecution was declined;

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

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

(c) COMPLIANCE.—

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

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

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

''(l) USE OF FORCE REPORTING.—

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

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

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

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

(f) PUBLIC AVAILABILITY OF DATA.—

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

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

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

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

At the appropriate place, insert the following:

SEC. ___. AGGRAVATING FACTORS FOR DEATH PENALTY.

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

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

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

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

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

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

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

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

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

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

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

At the appropriate place, insert the following:

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

(a) ENHANCED PENALTY.—

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

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

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

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

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

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

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

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

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

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

At the appropriate place, insert the following:

SEC. _____. FAIRNESS FOR CRIME VICTIMS.

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

(b) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(a) DEFINITIONS.—In this section—

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

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

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

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

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

''(b) POINT OF ORDER IN THE SENATE.—

''(1) POINT OF ORDER.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) continuing education;

''(3) periodic training updates; and

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

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

''(h) DYSLEXIA SCREENING.—

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

''(A) the intake process; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''§ 3634. Report

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

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

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

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

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

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

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

''(A) The primary offense of conviction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter are currently being used and will be used to—

''(i) increase investment in law enforcement and crime prevention to combat gangs of national significance and high-level drug traffickers through the High Intensity Drug Trafficking Areas Program and other task forces;

''(ii) hire, train, and equip law enforcement officers and prosecutors; and

''(iii) promote crime reduction programs using evidence-based practices and strategic planning to help reduce crime and criminal recidivism.

''(8) Statistics on—

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

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

''§ 3635. Definitions

''In this subchapter the following definitions apply:

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

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

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

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

''(C) readily available.

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

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

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

''(C) may include—

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

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

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

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

''(iii) employ prisoners; or

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

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

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

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

(b) PRERELEASE CUSTODY.—

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

(A) in subsection (b)(1)—

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) HOME CONFINEMENT.—

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

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

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

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

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

''(cc) perform community service;

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

''(ee) receive medical treatment;

''(ff) attend religious activities; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 103. GAO REPORT.

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

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

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

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

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

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

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

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

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

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

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

SEC. 105. RULE OF CONSTRUCTION.

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

SEC. 106. FAITH-BASED CONSIDERATIONS.

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

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

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

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

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

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

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

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

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

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

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

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

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

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

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

(3) conducting research and data analysis on—

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

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

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

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

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

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

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

At the appropriate place, insert the following:

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

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

(b) RULE REGARDING APPLICATION TO MARIHUANA.—

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

''RULE REGARDING APPLICATION TO MARIHUANA

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

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

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

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

''(2) section 409;

''(3) section 417; and

''(4) section 418.

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

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

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

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

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

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

(3) by adding at the end the following:

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

(e) RULE OF CONSTRUCTION.—

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

(A) shall not be unlawful;

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

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

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

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

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

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

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

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

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

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

''(cc) perform community service;

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

''(ee) receive medical treatment;

''(ff) attend religious activities; or

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

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

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

At the end, add the following:

TITLE VII—CLEAN START ACT

SEC. 701. SHORT TITLE.

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

SEC. 702. SEALING OF CRIMINAL RECORDS.

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

''Subchapter E—Sealing of Criminal Records

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

''§ 3641. Definitions

''In this subchapter—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(7) the term 'seal'—

''(A) means—

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

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

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

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

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

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

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

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

''§ 3642. Sealing petition

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

''(1) DATE OF ELIGIBILITY.—

''(A) CONVICTED INDIVIDUALS.—

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

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

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

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

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

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

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

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

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

''(A) CONVICTED INDIVIDUALS.—

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

''(I) that potential eligibility;

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

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

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

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

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

''(B) INDIVIDUALS NOT CONVICTED.—

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

''(I) that potential eligibility;

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

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

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

''(I) that potential eligibility;

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

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

''(b) PROCEDURES.—

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

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

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

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

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

''(2) HEARING.—

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

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

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

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

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

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

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

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

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

''(3) BASIS FOR DECISION.—

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

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

''(ii) consider—

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

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

''(iii) balance—

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

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

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

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

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

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

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

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

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

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

''(A) describes—

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

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

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

''(B) includes any supporting data that—

''(i) the court determines relevant; and

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

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

''(8) PUBLIC DEFENDER ELIGIBILITY.—

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

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

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

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

''§ 3643. Effect of sealing order

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

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

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

''(A) law enforcement agency; and

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

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

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

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

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

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

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

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

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

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

''(A) for legitimate investigative purposes;

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

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

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

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

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

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

''(f) PROHIBITION ON DISCLOSURE.—

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

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

''(3) EXCEPTIONS.—

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

''(i) law enforcement employment; or

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

''(I) national security position; or

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

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

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

''(i) criminal proceeding; or

''(ii) juvenile delinquency proceeding.

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

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

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

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

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

SEC. 703. STATE INCENTIVES.

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

(1) in subsection (c)—

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

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

(C) by adding at the end the following:

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

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

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

(2) by adding at the end the following:

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

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

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

At the end, add the following:

TITLE VII—DEMOCRACY RESTORATION ACT

SEC. 701. SHORT TITLE.

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

SEC. 702. FINDINGS.

Congress makes the following findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 703. RIGHTS OF CITIZENS.

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

SEC. 704. ENFORCEMENT.

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

(b) PRIVATE RIGHT OF ACTION.—

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

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

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

SEC. 705. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

(a) STATE NOTIFICATION.—

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

(2) DATE OF NOTIFICATION.—

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

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

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

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

(b) FEDERAL NOTIFICATION.—

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

(2) DATE OF NOTIFICATION.—

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

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

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

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

SEC. 706. DEFINITIONS.

For purposes of this title:

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

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

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

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

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

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

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

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

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

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

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

SEC. 707. RELATION TO OTHER LAWS.

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

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

SEC. 708. FEDERAL PRISON FUNDS.

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

(1) is in compliance with section 703; and

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

SEC. 709. EFFECTIVE DATE.

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

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

At the end, add the following:

TITLE VII—PRIVATE PRISON INFORMATION ACT

SEC. 701. SHORT TITLE.

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

SEC. 702. DEFINITIONS.

In this title—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) REGULATIONS.—

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

(2) COMPLIANCE BY APPLICABLE ENTITIES.—

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

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

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

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

TITLE I—RECIDIVISM REDUCTION

SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.

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

''SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

''§ 3631. Duties of the Attorney General

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

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

''(2) the Director of the Administrative Office of the United States Courts;

''(3) the Director of the Office of Probation and Pretrial Services;

''(4) the Director of the National Institute of Justice;

''(5) the Director of the National Institute of Corrections; and

''(6) the Independent Review Committee authorized by the First Step Act of 2018.

''(b) DUTIES.—The Attorney General shall—

''(1) conduct a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this subchapter;

''(2) develop recommendations regarding evidence-based recidivism reduction programs and productive activities in accordance with section 3633;

''(3) conduct ongoing research and data analysis on—

''(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

''(B) the most effective and efficient uses of such programs;

''(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

''(D) products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States;

''(4) on an annual basis, review, validate, and release publicly on the Department of Justice website the risk and needs assessment system, which review shall include—

''(A) any subsequent changes to the risk and needs assessment system made after the date of enactment of this subchapter;

''(B) the recommendations developed under paragraph (2), using the research conducted under paragraph (3);

''(C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;

''(D) statistical validation of any tools that the risk and needs assessment system uses; and

''(E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates;

''(5) make any revisions or updates to the risk and needs assessment system that the Attorney General determines appropriate pursuant to the review under paragraph (4), including updates to ensure that any disparities identified in paragraph (4)(E) are reduced to the greatest extent possible; and

''(6) report to Congress in accordance with section 3634.

''§ 3632. Development of risk and needs assessment system

''(a) IN GENERAL.—Not later than 210 days after the date of enactment of this subchapter, the Attorney General, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, shall develop and release publicly on the Department of Justice website a risk and needs assessment system (referred to in this subchapter as the 'System'), which shall be used to—

''(1) determine the recidivism risk of each prisoner as part of the intake process, and classify each prisoner as having minimum, low, medium, or high risk for recidivism;

''(2) assess and determine, to the extent practicable, the risk of violent or serious misconduct of each prisoner;

''(3) determine the type and amount of evidence-based recidivism reduction programming that is appropriate for each prisoner and assign each prisoner to such programming accordingly, and based on the prisoner's specific criminogenic needs, and in accordance with subsection (b);

''(4) reassess the recidivism risk of each prisoner periodically, based on factors including indicators of progress, and of regression, that are dynamic and that can reasonably be expected to change while in prison;

''(5) reassign the prisoner to appropriate evidence-based recidivism reduction programs or productive activities based on the revised determination to ensure that—

''(A) all prisoners at each risk level have a meaningful opportunity to reduce their classification during the period of incarceration;

''(B) to address the specific criminogenic needs of the prisoner; and

''(C) all prisoners are able to successfully participate in such programs;

''(6) determine when to provide incentives and rewards for successful participation in evidence-based recidivism reduction programs or productive activities in accordance with subsection (e);

''(7) determine when a prisoner is ready to transfer into prerelease custody or supervised release in accordance with section 3624; and

''(8) determine the appropriate use of audio technology for program course materials with an understanding of dyslexia.

In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate.

''(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS.—The System shall provide guidance on the type, amount, and intensity of evidence-based recidivism reduction programming and productive activities that shall be assigned for each prisoner, including—

''(1) programs in which the Bureau of Prisons shall assign the prisoner to participate, according to the prisoner's specific criminogenic needs; and

''(2) information on the best ways that the Bureau of Prisons can tailor the programs to the specific criminogenic needs of each prisoner so as to most effectively lower each prisoner's risk of recidivism.

''(c) HOUSING AND ASSIGNMENT DECISIONS.—The System shall provide guidance on program grouping and housing assignment determinations and, after accounting for the safety of each prisoner and other individuals at the prison, provide that prisoners with a similar risk level be grouped together in housing and assignment decisions to the extent practicable.

''(d) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES REWARDS.—The System shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

''(1) PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive—

''(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

''(B) additional time for visitation at the prison, as determined by the warden of the prison.

''(2) TRANSFER TO INSTITUTION CLOSER TO RELEASE RESIDENCE.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to—

''(A) bed availability at the transfer facility;

''(B) the prisoner's security designation; and

''(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request.

''(3) ADDITIONAL POLICIES.—The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming. The incentives shall include not less than 2 of the following:

''(A) Increased commissary spending limits and product offerings.

''(B) Extended opportunities to access the email system.

''(C) Consideration of transfer to preferred housing units (including transfer to different prison facilities).

''(D) Other incentives solicited from prisoners and determined appropriate by the Director.

''(4) TIME CREDITS.—

''(A) IN GENERAL.—A prisoner, except for an ineligible prisoner under subparagraph (D), who successfully completes evidence-based recidivism reduction programming or productive activities, shall earn time credits as follows:

''(i) A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(B) AVAILABILITY.—A prisoner may not earn time credits under this paragraph for an evidence-based recidivism reduction program that the prisoner successfully completed—

''(i) prior to the date of enactment of this subchapter; or

''(ii) during official detention prior to the date that the prisoner's sentence commences under section 3585(a).

''(C) APPLICATION OF TIME CREDITS TOWARD PRERELEASE CUSTODY OR SUPERVISED RELEASE.—Time credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities shall be applied toward time in prerelease custody or supervised release. The Director of the Bureau of Prisons shall transfer eligible prisoners, as determined under section 3624(g), into prerelease custody or supervised release.

''(D) INELIGIBLE PRISONERS.—A prisoner is ineligible to receive time credits under this paragraph if the prisoner is serving a sentence for a conviction under any of the following provisions of law:

''(i) Section 81, relating to arson within special maritime and territorial jurisdiction.

''(ii) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(iii) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(iv) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(v) Section 116, relating to female genital mutilation.

''(vi) Section 117, relating to domestic assault by a habitual offender.

''(vii) Any section of chapter 10, relating to biological weapons.

''(viii) Any section of chapter 11B, relating to chemical weapons.

''(ix) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(x) Section 521, relating to criminal street gangs.

''(xi) Section 751, relating to prisoners in custody of an institution or officer.

''(xii) Section 793, relating to gathering, transmitting, or losing defense information.

''(xiii) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xiv) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xv) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

''(xvi) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xvii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xviii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xix) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xx) Any section of chapter 55, relating to kidnapping.

''(xxi) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxiii) Section 1791, relating to providing or possessing contraband in prison.

''(xxiv) Section 1792, relating to mutiny and riots.

''(xxv) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxvi) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxvii) Section 2113(e), relating to bank robbery resulting in death.

''(xxviii) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxix) Paragraph (2) or (3) of section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking') that results in serious bodily injury or death.

''(xxx) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxi) Any section of chapter 109A, relating to sexual abuse.

''(xxxii) Section 2250, relating to failure to register as a sex offender.

''(xxxiii) Section 2251, relating to the sexual exploitation of children.

''(xxxiv) Section 2251A, relating to the selling or buying of children.

''(xxxv) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xxxvi) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xxxvii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xxxviii) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xxxix) Section 2284, relating to the transportation of terrorists.

''(xl) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xli) Any section of chapter 113B, relating to terrorism.

''(xlii) Section 2340A, relating to torture.

''(xliii) Section 2381, relating to treason.

''(xliv) Section 2442, relating to the recruitment or use of child soldiers.

''(xlv) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(xlvi) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(xlvii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(xlviii) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(xlix) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(l) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(li) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(liii) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(liv) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lv) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lvi) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lvii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lviii) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lix) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lx) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxi) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(E) DEPORTABLE PRISONERS INELIGIBLE TO APPLY TIME CREDITS.—

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

''(ii) PROCEEDINGS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early

as practicable during the prisoner's incarceration.

''(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

''(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

''(1) general levels of violations and resulting reductions;

''(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

''(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

''(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include—

''(1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

''(2) continuing education;

''(3) periodic training updates; and

''(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

''(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

''(h) DYSLEXIA SCREENING.—

''(1) SCREENING.—The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during—

''(A) the intake process; and

''(B) each periodic risk reassessment of a prisoner.

''(2) TREATMENT.—The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

''§ 3633. Evidence-based recidivism reduction program and recommendations

''(a) IN GENERAL.—Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall—

''(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;

''(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

''(3) identify the most effective evidence-based recidivism reduction programs;

''(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

''(5) direct the Bureau of Prisons regarding—

''(A) evidence-based recidivism reduction programs;

''(B) the ability for faith-based organizations to function as a provider of educational evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

''(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

''(b) REVIEW AND RECOMMENDATIONS REGARDING DYSLEXIA MITIGATION.—In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by—

''(1) reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

''(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

''§ 3634. Report

''Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

''(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

''(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

''(A) evidence about which programs have been shown to reduce recidivism;

''(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

''(C) identification of any gaps or shortages in capacity of such programs and activities.

''(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

''(A) The primary offense of conviction.

''(B) The length of the sentence imposed and served.

''(C) The Bureau of Prisons facility or facilities in which the prisoner's sentence was served.

''(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

''(E) The prisoner's assessed and reassessed risk of recidivism.

''(F) The productive activities that the prisoner successfully completed, if any.

''(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

''(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

''(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

''(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

''(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

''(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with—

''(A) the transfer of prisoners into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

''(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

''(7) An assessment of budgetary savings resulting from this subchapter, including—

''(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

''(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

''(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other—

''(i) Federal, State, and local law enforcement activities; and

''(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

''(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter are currently being used and will be used to—

''(i) increase investment in law enforcement and crime prevention to combat gangs of national significance and high-level drug traffickers through the High Intensity Drug Trafficking Areas Program and other task forces;

''(ii) hire, train, and equip law enforcement officers and prosecutors; and

''(iii) promote crime reduction programs using evidence-based practices and strategic planning to help reduce crime and criminal recidivism.

''(8) Statistics on—

''(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

''(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

''§ 3635. Definitions

''In this subchapter the following definitions apply:

''(1) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

''(2) DYSLEXIA SCREENING PROGRAM.—The term 'dyslexia screening program' means a screening program for dyslexia that is—

''(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

''(B) efficient and low-cost; and

''(C) readily available.

''(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

''(B) is designed to help prisoners succeed in their communities upon release from prison; and

''(C) may include—

''(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

''(ii) family relationship building, structured parent-child interaction, and parenting skills;

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

''(ix) faith-based classes or services;

''(x) civic engagement and reintegrative community services;

''(xi) a prison job, including through a prison work program;

''(xii) victim impact classes or other restorative justice programs; and

''(xiii) trauma counseling and trauma-informed support programs.

''(4) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

''(5) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.

''(6) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

''(A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

''(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

''(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''D. Risk and Needs Assessment ..... 3631''.

SEC. 102. IMPLEMENTATION OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

''(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

''(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

''(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

''(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

''(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

''(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

''(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

''(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

''(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

''(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

''(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

''(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

''(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

''(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.''.

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(A) in subsection (b)(1)—

(i) by striking '', beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term,'' and inserting ''of up to 54 days for each year of the prisoner's sentence imposed by the court,''; and

(ii) by striking ''credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence'' and inserting ''credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment''; and

(B) by adding at the end the following:

''(g) PRERELEASE CUSTODY OR SUPERVISED RELEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

''(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

''(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

''(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

''(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

''(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner—

''(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

''(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that—

''(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

''(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

''(cc) the prisoner is unlikely to recidivate; or

''(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

''(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

''(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

''(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

''(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

''(3) SUPERVISED RELEASE.—If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.

''(4) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

''(5) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(6) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining—

''(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

''(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

''(7) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall—

''(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

''(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

''(8) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

''(9) MENTORING, REENTRY, AND SPIRITUAL SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner.

''(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

''(11) PRERELEASE CUSTODY CAPACITY.—The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987.

SEC. 103. GAO REPORT.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621 of title 18, United States Code.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code, as added by section 101(a) of this Act.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3632(f) of title 18, United States Code, as added by section 101(a) of this Act.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody or supervised release as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $75,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 3621(h) of title 18, United States Code, as added by section 102(a) of this Act.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions

in recidivism that result from this title should be reinvested—

(1) to supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials, including for the adoption of innovative technologies and information sharing capabilities;

(2) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(3) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States or to amend or affect the enforcement of the immigration laws, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in faith-based activities using direct financial assistance made available under this title or the amendments made by this title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, may be construed to amend any requirement under Federal law or the Constitution of the United States regarding funding for faith-based programs or activities.

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act.

(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a corrections system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

(3) 1 individual with expertise in assessing risk assessment implementation.

(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

(3) conducting research and data analysis on—

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs; and

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(4) reviewing and validating the risk and needs assessment system.

(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a report that includes—

(1) a list of all offenses of conviction for which prisoners were ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each offense the number of prisoners excluded, including demographic percentages by age, race, and sex;

(2) the criminal history categories of prisoners ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each category the number of prisoners excluded, including demographic percentages by age, race, and sex;

(3) the number of prisoners ineligible to apply time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, who do not participate in recidivism reduction programming or productive activities, including the demographic percentages by age, race, and sex;

(4) any recommendations for modifications to section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and any other recommendations regarding recidivism reduction.

(h) TERMINATION.—The Independent Review Committee shall terminate on the date that is 2 years after the date on which the risk and needs assessment system authorized by sections 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, is released.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2018''.

SEC. 202. SECURE FIREARMS STORAGE.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§ 4050. Secure firearms storage

''(a) DEFINITIONS.—In this section—

''(1) the term 'employee' means a qualified law enforcement officer employed by the Bureau of Prisons; and

''(2) the terms 'firearm' and 'qualified law enforcement officer' have the meanings given those terms under section 926B.

''(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

''(1)(A) provides a secure storage area located outside of the secure perimeter of the institution for employees to store firearms; or

''(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

''(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''4050. Secure firearms storage.''.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE PERIOD OF PREGNANCY AND POSTPARTUM RECOVERY PROHIBITED.

(a) IN GENERAL.—Chapter 317 of title 18, United States Code, is amended by inserting after section 4321 the following:

''§ 4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited

''(a) PROHIBITION.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a healthcare professional, and ending at the conclusion of postpartum recovery, a prisoner in the custody of the Bureau of Prisons, or in the custody of the United States Marshals Service pursuant to section 4086, shall not be placed in restraints.

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply if—

''(A) an appropriate corrections official, or a United States marshal, as applicable, makes a determination that the prisoner—

''(i) is an immediate and credible flight risk that cannot reasonably be prevented by other means; or

''(ii) poses an immediate and serious threat of harm to herself or others that cannot reasonably be prevented by other means; or

''(B) a healthcare professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the medical safety of the prisoner.

''(2) LEAST RESTRICTIVE RESTRAINTS.—In the case that restraints are used pursuant to an exception under paragraph (1), only the least restrictive restraints necessary to prevent the harm or risk of escape described in paragraph (1) may be used.

''(3) APPLICATION.—

''(A) IN GENERAL.—The exceptions under paragraph (1) may not be applied—

''(i) to place restraints around the ankles, legs, or waist of a prisoner;

''(ii) to restrain a prisoner's hands behind her back;

''(iii) to restrain a prisoner using 4-point restraints; or

''(iv) to attach a prisoner to another prisoner.

''(B) MEDICAL REQUEST.—Notwithstanding paragraph (1), upon the request of a healthcare professional who is responsible for the health and safety of a prisoner, a corrections official or United States marshal, as applicable, shall refrain from using restraints on the prisoner or shall remove restraints used on the prisoner.

''(c) REPORTS.—

''(1) REPORT TO THE DIRECTOR AND HEALTHCARE PROFESSIONAL.—If a corrections official or United States marshal uses restraints on a prisoner under subsection (b)(1), that official or marshal shall submit, not later than 30 days after placing the prisoner in restraints, to the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, and to the healthcare professional responsible for the health and safety of the prisoner, a written report that describes the facts and circumstances surrounding the use of restraints, and includes—

''(A) the reasoning upon which the determination to use restraints was made;

''(B) the details of the use of restraints, including the type of restraints used and length of time during which restraints were used; and

''(C) any resulting physical effects on the prisoner observed by or known to the corrections official or United States marshal, as applicable.

''(2) SUPPLEMENTAL REPORT TO THE DIRECTOR.—Upon receipt of a report under paragraph (1), the healthcare professional responsible for the health and safety of the prisoner may submit to the Director such information as the healthcare professional determines is relevant to the use of restraints on the prisoner.

''(3) REPORT TO JUDICIARY COMMITTEES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each submit to the Judiciary Committee of the Senate and of the House of Representatives a report that certifies compliance with this section and includes the information required to be reported under paragraph (1).

''(B) PERSONALLY IDENTIFIABLE INFORMATION.—The report under this paragraph shall not contain any personally identifiable information of any prisoner.

''(d) NOTICE.—Not later than 48 hours after the confirmation of a prisoner's pregnancy by a healthcare professional, that prisoner shall be notified by an appropriate healthcare professional, corrections official, or United States marshal, as applicable, of the restrictions on the use of restraints under this section.

''(e) VIOLATION REPORTING PROCESS.—The Director of the Bureau of Prisons, in consultation with the Director of the United States Marshals Service, shall establish a process through which a prisoner may report a violation of this section.

''(f) TRAINING.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each develop training guidelines regarding the use of restraints on female prisoners during the period of pregnancy, labor, and postpartum recovery, and shall incorporate such guidelines into appropriate training programs. Such training guidelines shall include—

''(A) how to identify certain symptoms of pregnancy that require immediate referral to a healthcare professional;

''(B) circumstances under which the exceptions under subsection (b) would apply;

''(C) in the case that an exception under subsection (b) applies, how to apply restraints in a way that does not harm the prisoner, the fetus, or the neonate;

''(D) the information required to be reported under subsection (c); and

''(E) the right of a healthcare professional to request that restraints not be used, and the requirement under subsection (b)(3)(B) to comply with such a request.

''(2) DEVELOPMENT OF GUIDELINES.—In developing the guidelines required by paragraph (1), the Directors shall each consult with healthcare professionals with expertise in caring for women during the period of pregnancy and postpartum recovery.

''(g) DEFINITIONS.—For purposes of this section:

''(1) POSTPARTUM RECOVERY.—The term 'postpartum recovery' means the 12-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner, following delivery, and shall include the entire period that the prisoner is in the hospital or infirmary.

''(2) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.

''(3) RESTRAINTS.—The term 'restraints' means any physical or mechanical device used to control the movement of a prisoner's body, limbs, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 317 of title 18, United States Code, is amended by adding after the item relating to section 4321 the following:

''4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited.''.

TITLE IV—SENTENCING REFORM

SEC. 401. REDUCE AND RESTRICT ENHANCED SENTENCING FOR PRIOR DRUG FELONIES.

(a) CONTROLLED SUBSTANCES ACT AMENDMENTS.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102 (21 U.S.C. 802), by adding at the end the following:

''(57) The term 'serious drug felony' means an offense described in section 924(e)(2) of title 18, United States Code, for which—

''(A) the offender served a term of imprisonment of more than 12 months; and

''(B) the offender's release from any term of imprisonment was within 15 years of the commencement of the instant offense.

''(58) The term 'serious violent felony' means—

''(A) an offense described in section 3559(c)(2) of title 18, United States Code, for which the offender served a term of imprisonment of more than 12 months; and

''(B) any offense that would be a felony violation of section 113 of title 18, United States Code, if the offense were committed in the special maritime and territorial jurisdiction of the United States, for which the offender served a term of imprisonment of more than 12 months.''; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1))—

(A) in subparagraph (A), in the matter following clause (viii)—

(i) by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years'' and inserting the following: ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years''; and

(ii) by striking ''after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release'' and inserting the following: ''after 2 or more prior convictions for a serious drug felony or serious violent felony have become final, such person shall be sentenced to a term of imprisonment of not less than 25 years''; and

(B) in subparagraph (B), in the matter following clause (viii), by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final'' and inserting the following: ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT AMENDMENTS.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), in the matter following subparagraph (H), by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not less than 20 years'' and inserting ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years''; and

(2) in paragraph (2), in the matter following subparagraph (H), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''.

(c) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

SEC. 402. BROADENING OF EXISTING SAFETY VALVE.

(a) AMENDMENTS.—Section 3553 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''or section 1010'' and inserting '', section 1010''; and

(ii) by inserting '', or section 70503 or 70506 of title 46'' after ''963)'';

(B) by striking paragraph (1) and inserting the following:

''(1) the defendant does not have—

''(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

''(B) a prior 3-point offense, as determined under the sentencing guidelines; and

''(C) a prior 2-point violent offense, as determined under the sentencing guidelines;''; and

(C) by adding at the end the following:

''Information disclosed by a defendant under this subsection may not be used to enhance the sentence of the defendant unless the information relates to a violent offense.''; and

(2) by adding at the end the following:

''(g) DEFINITION OF VIOLENT OFFENSE.—As used in this section, the term 'violent offense' means a crime of violence, as defined in section 16, that is punishable by imprisonment.''.

(b) APPLICABILITY.—The amendments made by this section shall apply only to a conviction entered on or after the date of enactment of this Act.

SEC. 403. CLARIFICATION OF SECTION 924(c) OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c)(1)(C) of title 18, United States Code, is amended, in the matter preceding clause (i), by striking ''second or subsequent conviction under this subsection'' and inserting ''violation of this subsection that occurs after a prior conviction under this subsection has become final''.

(b) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

SEC. 404. APPLICATION OF FAIR SENTENCING ACT.

(a) DEFINITION OF COVERED OFFENSE.—In this section, the term ''covered offense'' means a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), that was committed before August 3, 2010.

(b) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) were in effect at the time the covered offense was committed.

(c) LIMITATIONS.—No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) or if a previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits. Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.

TITLE V—SECOND CHANCE ACT OF 2007 REAUTHORIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Second Chance Reauthorization Act of 2018''.

SEC. 502. IMPROVEMENTS TO EXISTING PROGRAMS.

(a) REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL DEMONSTRATION PROJECTS.—Section 2976 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to States, local governments, territories, or Indian tribes, or any combination thereof (in this section referred to as an 'eligible entity'), in partnership with interested persons (including Federal corrections and supervision agencies), service providers, and nonprofit organizations for the purpose of strategic planning and implementation of adult and juvenile offender reentry projects.'';

(2) in subsection (b)—

(A) in paragraph (3), by inserting ''or reentry courts,'' after ''community,'';

(B) in paragraph (6), by striking ''and'' at the end;

(C) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(8) promoting employment opportunities consistent with the Transitional Jobs strategy (as defined in section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502)).''; and

(3) by striking subsections (d), (e), and (f) and inserting the following:

''(d) COMBINED GRANT APPLICATION; PRIORITY CONSIDERATION.—

''(1) IN GENERAL.—The Attorney General shall develop a procedure to allow applicants to submit a single application for a planning grant under subsection (e) and an implementation grant under subsection (f).

''(2) PRIORITY CONSIDERATION.—The Attorney General shall give priority consideration to grant applications under subsections (e) and (f) that include a commitment by the applicant to partner with a local evaluator to identify and analyze data that will—

''(A) enable the grantee to target the intended offender population; and

''(B) serve as a baseline for purposes of the evaluation.

''(e) PLANNING GRANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Attorney General may make a grant to an eligible entity of not more than $75,000 to develop a strategic, collaborative plan for an adult or juvenile offender reentry demonstration project as described in subsection (h) that includes—

''(A) a budget and a budget justification;

''(B) a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health;

''(C) the activities proposed;

''(D) a schedule for completion of the activities described in subparagraph (C); and

''(E) a description of the personnel necessary to complete the activities described in subparagraph (C).

''(2) MAXIMUM TOTAL GRANTS AND GEOGRAPHIC DIVERSITY.—

''(A) MAXIMUM AMOUNT.—The Attorney General may not make initial planning grants and implementation grants to 1 eligible entity in a total amount that is more than a $1,000,000.

''(B) GEOGRAPHIC DIVERSITY.—The Attorney General shall make every effort to ensure equitable geographic distribution of grants under this section and take into consideration the needs of underserved populations, including rural and tribal communities.

''(3) PERIOD OF GRANT.—A planning grant made under this subsection shall be for a period of not longer than 1 year, beginning on the first day of the month in which the planning grant is made.

''(f) IMPLEMENTATION GRANTS.—

''(1) APPLICATIONS.—An eligible entity desiring an implementation grant under this subsection shall submit to the Attorney General an application that—

''(A) contains a reentry strategic plan as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to fund the program after Federal funding is discontinued;

''(B) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

''(C) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this subsection, and specifically explains how such measurements will provide valid measures of the impact of that program; and

''(D) describes how the project could be broadly replicated if demonstrated to be effective.

''(2) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this subsection only if the application—

''(A) reflects explicit support of the chief executive officer, or their designee, of the State, unit of local government, territory, or Indian tribe applying for a grant under this subsection;

''(B) provides discussion of the role of Federal corrections, State corrections departments, community corrections agencies, juvenile justice systems, and tribal or local jail systems in ensuring successful reentry of offenders into their communities;

''(C) provides evidence of collaboration with State, local, or tribal government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

''(D) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community;

''(E) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant;

''(F) provides a plan for continued collaboration with a local evaluator as necessary to meeting the requirements under subsection (h); and

''(G) demonstrates that the applicant participated in the planning grant process or engaged in comparable planning for the reentry project.

''(3) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this subsection that best—

''(A) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

''(B) include—

''(i) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(ii) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities;

''(iii) coordination with families of offenders;

''(iv) input, where appropriate, from the juvenile justice coordinating council of the region;

''(v) input, where appropriate, from the reentry coordinating council of the region; or

''(vi) input, where appropriate, from other interested persons;

''(C) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

''(i) planning for prerelease transitional housing and community release that begins upon admission for juveniles and jail inmates, and, as appropriate, for prison inmates, depending on the length of the sentence;

''(ii) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal, tribal, or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services, including assistance identifying and securing suitable housing; or

''(iii) delivery of continuous and appropriate mental health services, drug treatment, medical care, job training and placement, educational services, vocational services, and any other service or support needed for reentry;

''(D) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole,

probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

''(E) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs;

''(F) target moderate and high-risk offenders for reentry programs through validated assessment tools; or

''(G) target offenders with histories of homelessness, substance abuse, or mental illness, including a prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support service.

''(4) PERIOD OF GRANT.—A grant made under this subsection shall be effective for a 2-year period—

''(A) beginning on the date on which the planning grant awarded under subsection (e) concludes; or

''(B) in the case of an implementation grant awarded to an eligible entity that did not receive a planning grant, beginning on the date on which the implementation grant is awarded.'';

(4) in subsection (h)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—As a condition of receiving financial assistance under subsection (f), each application shall develop a comprehensive reentry strategic plan that—

''(A) contains a plan to assess inmate reentry needs and measurable annual and 3-year performance outcomes;

''(B) uses, to the maximum extent possible, randomly assigned and controlled studies, or rigorous quasi-experimental studies with matched comparison groups, to determine the effectiveness of the program funded with a grant under subsection (f); and

''(C) includes as a goal of the plan to reduce the rate of recidivism for offenders released from prison, jail or a juvenile facility with funds made available under subsection (f).

''(2) LOCAL EVALUATOR.—A partnership with a local evaluator described in subsection (d)(2) shall require the local evaluator to use the baseline data and target population characteristics developed under a subsection (e) planning grant to derive a target goal for recidivism reduction during the 3-year period beginning on the date of implementation of the program.'';

(5) in subsection (i)(1)—

(A) in the matter preceding subparagraph (A), by striking ''under this section'' and inserting ''under subsection (f)''; and

(B) in subparagraph (B), by striking ''subsection (e)(4)'' and inserting ''subsection (f)(2)(D)'';

(6) in subsection (j)—

(A) in paragraph (1), by inserting ''for an implementation grant under subsection (f)'' after ''applicant'';

(B) in paragraph (2)—

(i) in subparagraph (E), by inserting '', where appropriate'' after ''support''; and

(ii) by striking subparagraphs (F), (G), and (H), and inserting the following:

''(F) increased number of staff trained to administer reentry services;

''(G) increased proportion of individuals served by the program among those eligible to receive services;

''(H) increased number of individuals receiving risk screening needs assessment, and case planning services;

''(I) increased enrollment in, and completion of treatment services, including substance abuse and mental health services among those assessed as needing such services;

''(J) increased enrollment in and degrees earned from educational programs, including high school, GED, vocational training, and college education;

''(K) increased number of individuals obtaining and retaining employment;

''(L) increased number of individuals obtaining and maintaining housing;

''(M) increased self-reports of successful community living, including stability of living situation and positive family relationships;

''(N) reduction in drug and alcohol use; and

''(O) reduction in recidivism rates for individuals receiving reentry services after release, as compared to either baseline recidivism rates in the jurisdiction of the grantee or recidivism rates of the control or comparison group.'';

(C) in paragraph (3), by striking ''facilities.'' and inserting ''facilities, including a cost-benefit analysis to determine the cost effectiveness of the reentry program.'';

(D) in paragraph (4), by striking ''this section'' and inserting ''subsection (f)''; and

(E) in paragraph (5), by striking ''this section'' and inserting ''subsection (f)'';

(7) in subsection (k)(1), by striking ''this section'' each place the term appears and inserting ''subsection (f)'';

(8) in subsection (l)—

(A) in paragraph (2), by inserting ''beginning on the date on which the most recent implementation grant is made to the grantee under subsection (f)'' after ''2-year period''; and

(B) in paragraph (4), by striking ''over a 2-year period'' and inserting ''during the 2-year period described in paragraph (2)'';

(9) in subsection (o)(1), by striking ''appropriated'' and all that follows and inserting the following: ''appropriated $35,000,000 for each of fiscal years 2019 through 2023.''; and

(10) by adding at the end the following:

''(p) DEFINITION.—In this section, the term 'reentry court' means a program that—

''(1) monitors juvenile and adult eligible offenders reentering the community;

''(2) provides continual judicial supervision;

''(3) provides juvenile and adult eligible offenders reentering the community with coordinated and comprehensive reentry services and programs, such as—

''(A) drug and alcohol testing and assessment for treatment;

''(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

''(C) substance abuse treatment, including medication-assisted treatment, from a provider that is approved by the State or Indian tribe, and licensed, if necessary, to provide medical and other health services;

''(D) health (including mental health) services and assessment;

''(E) aftercare and case management services that—

''(i) facilitate access to clinical care and related health services; and

''(ii) coordinate with such clinical care and related health services; and

''(F) any other services needed for reentry;

''(4) convenes community impact panels, victim impact panels, or victim impact educational classes;

''(5) provides and coordinates the delivery of community services to juvenile and adult eligible offenders, including—

''(A) housing assistance;

''(B) education;

''(C) job training;

''(D) conflict resolution skills training;

''(E) batterer intervention programs; and

''(F) other appropriate social services; and

''(6) establishes and implements graduated sanctions and incentives.''.

(b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT.—Part DD of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10591 et seq.) is amended—

(1) in section 2921 (34 U.S.C. 10591), in the matter preceding paragraph (1), by inserting ''nonprofit organizations,'' before ''and Indian'';

(2) in section 2923 (34 U.S.C. 10593), by adding at the end the following:

''(c) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority consideration to grant applications for grants under section 2921 that are submitted by a nonprofit organization that demonstrates a relationship with State and local criminal justice agencies, including—

''(1) within the judiciary and prosecutorial agencies; or

''(2) with the local corrections agencies, which shall be documented by a written agreement that details the terms of access to facilities and participants and provides information on the history of the organization of working with correctional populations.''; and

(3) by striking section 2926(a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2019 through 2023.''.

(c) GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the second part designated as part JJ, as added by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 677), relating to grants to evaluate and improve educational methods at prisons, jails, and juvenile facilities;

(2) by adding at the end the following:

''PART NN—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

''SEC. 3041. GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

''(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities;

''(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1);

''(3) improve the academic and vocational education programs (including technology career training) available to offenders in prisons, jails, and juvenile facilities; and

''(4) implement methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities consistent with the best practices identified in subsection (c).

''(b) APPLICATION.—To be eligible for a grant under this part, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such

form and manner, at such time, and accompanied by such information as the Attorney General specifies.

''(c) BEST PRACTICES.—Not later than 180 days after the date of enactment of the Second Chance Reauthorization Act of 2018, the Attorney General shall identify and publish best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities. The best practices shall consider the evaluations performed and recommendations made under grants made under subsection (a) before the date of enactment of the Second Chance Reauthorization Act of 2018.

''(d) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this part, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this part.''; and

(3) in section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)), by adding at the end the following:

''(28) There are authorized to be appropriated to carry out section 3031(a)(4) of part NN $5,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.''.

(d) CAREERS TRAINING DEMONSTRATION GRANTS.—Section 115 of the Second Chance Act of 2007 (34 U.S.C. 60511) is amended—

(1) in the heading, by striking ''**TECHNOLOGY CAREERS**'' and inserting ''**CAREERS**'';

(2) in subsection (a)—

(A) by striking ''and Indian'' and inserting ''nonprofit organizations, and Indian''; and

(B) by striking ''technology career training to prisoners'' and inserting ''career training, including subsidized employment, when part of a training program, to prisoners and reentering youth and adults'';

(3) in subsection (b)—

(A) by striking ''technology careers training'';

(B) by striking ''technology-based''; and

(C) by inserting '', as well as upon transition and reentry into the community'' after ''facility'';

(4) by striking subsection (e);

(5) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(6) by inserting after subsection (b) the following:

''(c) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

''(1) provides assessment of local demand for employees in the geographic areas to which offenders are likely to return;

''(2) conducts individualized reentry career planning upon the start of incarceration or post-release employment planning for each offender served under the grant;

''(3) demonstrates connections to employers within the local community; or

''(4) tracks and monitors employment outcomes.''; and

(7) by adding at the end the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.''.

(e) OFFENDER REENTRY SUBSTANCE ABUSE AND CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section 201(f)(1) of the Second Chance Act of 2007 (34 U.S.C. 60521(f)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2019 through 2023.''.

(f) COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Section 211 of the Second Chance Act of 2007 (34 U.S.C. 60531) is amended—

(A) in the header, by striking ''**MENTORING GRANTS TO NONPROFIT ORGANIZATIONS**'' and inserting ''**COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS**'';

(B) in subsection (a), by striking ''mentoring and other'';

(C) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) transitional services to assist in the reintegration of offenders into the community, including—

''(A) educational, literacy, and vocational, services and the Transitional Jobs strategy;

''(B) substance abuse treatment and services;

''(C) coordinated supervision and services for offenders, including physical health care and comprehensive housing and mental health care;

''(D) family services; and

''(E) validated assessment tools to assess the risk factors of returning inmates; and''; and

(D) in subsection (f), by striking ''this section'' and all that follows and inserting the following: ''this section $15,000,000 for each of fiscal years 2019 through 2023.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 211 and inserting the following:

''Sec. 211. Community-based mentoring and transitional service grants.''.

(g) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502) is amended to read as follows:

''SEC. 4. DEFINITIONS.

''In this Act—

''(1) the term 'exoneree' means an individual who—

''(A) has been convicted of a Federal, tribal, or State offense that is punishable by a term of imprisonment of more than 1 year;

''(B) has served a term of imprisonment for not less than 6 months in a Federal, tribal, or State prison or correctional facility as a result of the conviction described in subparagraph (A); and

''(C) has been determined to be factually innocent of the offense described in subparagraph (A);

''(2) the term 'Indian tribe' has the meaning given in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251);

''(3) the term 'offender' includes an exoneree; and

''(4) the term 'Transitional Jobs strategy' means an employment strategy for youth and adults who are chronically unemployed or those that have barriers to employment that—

''(A) is conducted by State, tribal, and local governments, State, tribal, and local workforce boards, and nonprofit organizations;

''(B) provides time-limited employment using individual placements, team placements, and social enterprise placements, without displacing existing employees;

''(C) pays wages in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, which are subsidized, in whole or in part, by public funds;

''(D) combines time-limited employment with activities that promote skill development, remove barriers to employment, and lead to unsubsidized employment such as a thorough orientation and individual assessment, job readiness and life skills training, case management and supportive services, adult education and training, child support-related services, job retention support and incentives, and other similar activities;

''(E) places participants into unsubsidized employment; and

''(F) provides job retention, re-employment services, and continuing and vocational education to ensure continuing participation in unsubsidized employment and identification of opportunities for advancement.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 4 and inserting the following:

''Sec. 4. Definitions.''.

(h) EXTENSION OF THE LENGTH OF SECTION 2976 GRANTS.—Section 6(1) of the Second Chance Act of 2007 (34 U.S.C. 60504(1)) is amended by inserting ''or under section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631)'' after ''and 212''.

SEC. 503. AUDIT AND ACCOUNTABILITY OF GRANTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''covered grant program'' means grants awarded under section 115, 201, or 211 of the Second Chance Act of 2007 (34 U.S.C. 60511, 60521, and 60531), as amended by this title;

(2) the term ''covered grantee'' means a recipient of a grant from a covered grant program;

(3) the term ''nonprofit'', when used with respect to an organization, means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code; and

(4) the term ''unresolved audit finding'' means an audit report finding in a final audit report of the Inspector General of the Department of Justice that a covered grantee has used grant funds awarded to that grantee under a covered grant program for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during a 12-month period prior to the date on which the final audit report is issued.

(b) AUDIT REQUIREMENT.—Beginning in fiscal year 2019, and annually thereafter, the Inspector General of the Department of Justice shall conduct audits of covered grantees to prevent waste, fraud, and abuse of funds awarded under covered grant programs. The Inspector General shall determine the appropriate number of covered grantees to be audited each year.

(c) MANDATORY EXCLUSION.—A grantee that is found to have an unresolved audit finding under an audit conducted under subsection (b) may not receive grant funds under a covered grant program in the fiscal year following the fiscal year to which the finding relates.

(d) REIMBURSEMENT.—If a covered grantee is awarded funds under the covered grant program from which it received a grant award during the 1-fiscal-year period during which the covered grantee is ineligible for an allocation of grant funds under subsection (c), the Attorney General shall—

(1) deposit into the General Fund of the Treasury an amount that is equal to the amount of the grant funds that were improperly awarded to the covered grantee; and

(2) seek to recoup the costs of the repayment to the Fund from the covered grantee that was improperly awarded the grant funds.

(e) PRIORITY OF GRANT AWARDS.—The Attorney General, in awarding grants under a covered grant program shall give priority to eligible entities that during the 2-year period preceding the application for a grant have not been found to have an unresolved audit finding.

(f) NONPROFIT REQUIREMENTS.—

(1) PROHIBITION.—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax described in section 511(a) of the Internal Revenue Code of 1986, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.

(2) DISCLOSURE.—Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied on to determine such compensation.

(g) PROHIBITION ON LOBBYING ACTIVITY.—

(1) IN GENERAL.—Amounts made available under a covered grant program may not be used by any covered grantee to—

(A) lobby any representative of the Department of Justice regarding the award of grant funding; or

(B) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(2) PENALTY.—If the Attorney General determines that a covered grantee has violated paragraph (1), the Attorney General shall—

(A) require the covered grantee to repay the grant in full; and

(B) prohibit the covered grantee from receiving a grant under the covered grant program from which it received a grant award during at least the 5-year period beginning on the date of such violation.

SEC. 504. FEDERAL REENTRY IMPROVEMENTS.

(a) RESPONSIBLE REINTEGRATION OF OFFENDERS.—Section 212 of the Second Chance Act of 2007 (34 U.S.C. 60532) is repealed.

(b) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (434 U.S.C. 60541) is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking ''carried out during fiscal years 2009 and 2010'' and inserting ''carried out during fiscal years 2019 through 2023''; and

(B) in paragraph (5)(A)(ii), by striking ''the greater of 10 years or'';

(2) by striking subsection (h);

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h), as so redesignated, by striking ''2009 and 2010'' and inserting ''2019 through 2023''.

(c) ENHANCING REPORTING REQUIREMENTS PERTAINING TO COMMUNITY CORRECTIONS.—Section 3624(c) of title 18, United States Code, is amended—

(1) in paragraph (5), in the second sentence, by inserting '', and number of prisoners not being placed in community corrections facilities for each reason set forth'' before '', and any other information''; and

(2) in paragraph (6), by striking ''the Second Chance Act of 2007'' and inserting ''the Second Chance Reauthorization Act of 2018''.

(d) TERMINATION OF STUDY ON EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.—Section 244 of the Second Chance Act of 2007 (34 U.S.C. 60554) is repealed.

(e) AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH.—Section 245 of the Second Chance Act of 2007 (34 U.S.C. 60555) is amended—

(1) by striking ''243, and 244'' and inserting ''and 243''; and

(2) by striking ''$10,000,000 for each of the fiscal years 2009 and 2010'' and inserting ''$5,000,000 for each of the fiscal years 2019, 2020, 2021, 2022, and 2023''.

(f) FEDERAL PRISONER RECIDIVISM REDUCTION PROGRAMMING ENHANCEMENT.—

(1) IN GENERAL.—Section 3621 of title 18, United States Code, as amended by section 102(a) of this Act, is amended—

(A) by redesignating subsection (g) as subsection (i); and

(B) by inserting after subsection (f) the following:

''(g) PARTNERSHIPS TO EXPAND ACCESS TO REENTRY PROGRAMS PROVEN TO REDUCE RECIDIVISM.—

''(1) DEFINITION.—The term 'demonstrated to reduce recidivism' means that the Director of Bureau of Prisons has determined that appropriate research has been conducted and has validated the effectiveness of the type of program on recidivism.

''(2) ELIGIBILITY FOR RECIDIVISM REDUCTION PARTNERSHIP.—A faith-based or community-based nonprofit organization that provides mentoring or other programs that have been demonstrated to reduce recidivism is eligible to enter into a recidivism reduction partnership with a prison or community-based facility operated by the Bureau of Prisons.

''(3) RECIDIVISM REDUCTION PARTNERSHIPS.—The Director of the Bureau of Prisons shall develop policies to require wardens of prisons and community-based facilities to enter into recidivism reduction partnerships with faith-based and community-based nonprofit organizations that are willing to provide, on a volunteer basis, programs described in paragraph (2).

''(4) REPORTING REQUIREMENT.—The Director of the Bureau of Prisons shall submit to Congress an annual report on the last day of each fiscal year that—

''(A) details, for each prison and community-based facility for the fiscal year just ended—

''(i) the number of recidivism reduction partnerships under this section that were in effect;

''(ii) the number of volunteers that provided recidivism reduction programming; and

''(iii) the number of recidivism reduction programming hours provided; and

''(B) explains any disparities between facilities in the numbers reported under subparagraph (A).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 180 days after the date of enactment of this Act.

(g) REPEALS.—

(1) Section 2978 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10633) is repealed.

(2) Part CC of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10581 et seq.) is repealed.

SEC. 505. FEDERAL INTERAGENCY REENTRY COORDINATION.

(a) REENTRY COORDINATION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other agencies of the Federal Government as the Attorney General considers appropriate, and in collaboration with interested persons, service providers, nonprofit organizations, and State, tribal, and local governments, shall coordinate on Federal programs, policies, and activities relating to the reentry of individuals returning from incarceration to the community, with an emphasis on evidence-based practices and protection against duplication of services.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General, in consultation with the Secretaries listed in subsection (a), shall submit to Congress a report summarizing the achievements under subsection (a), and including recommendations for Congress that would further reduce barriers to successful reentry.

SEC. 506. CONFERENCE EXPENDITURES.

(a) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this title, or any amendments made by this title, may be used by the Attorney General, or by any individual or organization awarded discretionary funds under this title, or any amendments made by this title, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference. A conference that uses more than $20,000 in such funds, but less than an average of $500 in such funds for each attendee of the conference, shall not be subject to the limitations of this section.

(b) WRITTEN APPROVAL.—Written approval under subsection (a) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(c) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this section.

SEC. 507. EVALUATION OF THE SECOND CHANCE ACT PROGRAM.

(a) EVALUATION OF THE SECOND CHANCE ACT GRANT PROGRAM.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall evaluate the effectiveness of grants used by the Department of Justice to support offender reentry and recidivism reduction programs at the State, local, Tribal, and Federal levels. The National Institute of Justice shall evaluate the following:

(1) The effectiveness of such programs in relation to their cost, including the extent to which the programs improve reentry outcomes, including employment, education, housing, reductions in recidivism, of participants in comparison to comparably situated individuals who did not participate in such programs and activities.

(2) The effectiveness of program structures and mechanisms for delivery of services.

(3) The impact of such programs on the communities and participants involved.

(4) The impact of such programs on related programs and activities.

(5) The extent to which such programs meet the needs of various demographic groups.

(6) The quality and effectiveness of technical assistance provided by the Department of Justice to grantees for implementing such programs.

(7) Such other factors as may be appropriate.

(b) AUTHORIZATION OF FUNDS FOR EVALUATION.—Not more than 1 percent of any amounts authorized to be appropriated to carry out the Second Chance Act grant program shall be made available to the National Institute of Justice each year to evaluate the processes, implementation, outcomes, costs, and effectiveness of the Second Chance Act grant program in improving reentry and reducing recidivism. Such funding may be used to provide support to grantees for supplemental data collection, analysis, and coordination associated with evaluation activities.

(c) TECHNIQUES.—Evaluations conducted under this section shall use appropriate methodology and research designs. Impact evaluations conducted under this section shall include the use of intervention and control groups chosen by random assignment methods, to the extent possible.

(d) METRICS AND OUTCOMES FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Institute of Justice shall consult with relevant stakeholders and identify outcome measures, including employment, housing, education, and public safety, that are to be achieved by programs authorized under the Second Chance Act grant program and the metrics by which the achievement of such outcomes shall be determined.

(2) PUBLICATION.—Not later than 30 days after the date on which the National Institute of Justice identifies metrics and outcomes under paragraph (1), the Attorney General shall publish such metrics and outcomes identified.

(e) DATA COLLECTION.—As a condition of award under the Second Chance Act grant program (including a subaward under section 3021(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701(b))), grantees shall be required to collect and report to the Department of Justice data based upon the metrics identified under subsection (d). In accordance with applicable law, collection of individual-level data under a pledge of confidentiality shall be protected by the National Institute of Justice in accordance with such pledge.

(f) DATA ACCESSIBILITY.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall—

(1) make data collected during the course of evaluation under this section available in de-identified form in such a manner that reasonably protects a pledge of confidentiality to participants under subsection (e); and

(2) make identifiable data collected during the course of evaluation under this section available to qualified researchers for future research and evaluation, in accordance with applicable law.

(g) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The National Institute of Justice shall—

(1) not later than 365 days after the date on which the enrollment of participants in an impact evaluation is completed, publish an interim report on such evaluation;

(2) not later than 90 days after the date on which any evaluation is completed, publish and make publicly available such evaluation; and

(3) not later than 60 days after the completion date described in paragraph (2), submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on such evaluation.

(h) SECOND CHANCE ACT GRANT PROGRAM DEFINED.—In this section, the term ''Second Chance Act grant program'' means any grant program reauthorized under this title and the amendments made by this title.

SEC. 508. GAO REVIEW.

Not later than 3 years after the date of enactment of the First Step Act of 2018 the Comptroller General of the United States shall conduct a review of all of the grant awards made under this title and amendments made by this title that includes—

(1) an evaluation of the effectiveness of the reentry programs funded by grant awards under this title and amendments made by this title at reducing recidivism, including a determination of which reentry programs were most effective;

(2) recommendations on how to improve the effectiveness of reentry programs, including those for which prisoners may earn time credits under the First Step Act of 2018; and

(3) an evaluation of the effectiveness of mental health services, drug treatment, medical care, job training and placement, educational services, and vocational services programs funded under this title and amendments made by this title.

TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.

Section 3621(b) of title 18, United States Code, is amended—

(1) by striking ''shall designate the place of the prisoner's imprisonment.'' and inserting ''shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence.''; and

(2) by adding at the end the following: ''Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court.''.

SEC. 602. HOME CONFINEMENT FOR LOW-RISK PRISONERS.

Section 3624(c)(2) of title 18, United States Code, is amended by adding at the end the following: ''The Bureau of Prisons shall, to the extent practicable, place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted under this paragraph.''.

SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION; MODIFICATION OF IMPOSED TERM OF IMPRISONMENT.

(a) FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION.—Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''and eligible terminally ill offenders'' after ''elderly offenders'' each place the term appears;

(B) in subparagraph (A), by striking ''a Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(C) in subparagraph (B)—

(i) by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(ii) by inserting '', upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender'' after ''to home detention''; and

(D) in subparagraph (C), by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(2) in paragraph (2), by inserting ''or eligible terminally ill offender'' after ''elderly offender'';

(3) in paragraph (3), as amended by section 504(b)(1)(A) of this Act, by striking ''at least one Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(4) in paragraph (4)—

(A) by inserting ''or eligible terminally ill offender'' after ''each eligible elderly offender''; and

(B) by inserting ''and eligible terminally ill offenders'' after ''eligible elderly offenders''; and

(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i), striking ''65 years of age'' and inserting ''60 years of age''; and

(ii) in clause (ii), as amended by section 504(b)(1)(B) of this Act, by striking ''75 percent'' and inserting ''⅔''; and

(B) by adding at the end the following:

''(D) ELIGIBLE TERMINALLY ILL OFFENDER.—The term 'eligible terminally ill offender' means an offender in the custody of the Bureau of Prisons who—

''(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code;

''(ii) satisfies the criteria specified in clauses (iii) through (vii) of subparagraph (A); and

''(iii) has been determined by a medical doctor approved by the Bureau of Prisons to be—

''(I) in need of care at a nursing home, intermediate care facility, or assisted living facility, as those terms are defined in section 232 of the National Housing Act (12 U.S.C. 1715w); or

''(II) diagnosed with a terminal illness.''.

(b) INCREASING THE USE AND TRANSPARENCY OF COMPASSIONATE RELEASE.—Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A), in the matter preceding clause (i), by inserting after ''Bureau of Prisons,'' the following: ''or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier,'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) NOTIFICATION REQUIREMENTS.—

''(1) TERMINAL ILLNESS DEFINED.—In this subsection, the term 'terminal illness' means a disease or condition with an end-of-life trajectory.

''(2) NOTIFICATION.—The Bureau of Prisons shall, subject to any applicable confidentiality requirements—

''(A) in the case of a defendant diagnosed with a terminal illness—

''(i) not later than 72 hours after the diagnosis notify the defendant's attorney, partner, and family members of the defendant's condition and inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) not later than 7 days after the date of the diagnosis, provide the defendant's partner and family members (including extended family) with an opportunity to visit the defendant in person;

''(iii) upon request from the defendant or his attorney, partner, or a family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(iv) not later than 14 days of receipt of a request for a sentence reduction submitted on the defendant's behalf by the defendant or the defendant's attorney, partner, or family member, process the request;

''(B) in the case of a defendant who is physically or mentally unable to submit a request for a sentence reduction pursuant to subsection (c)(1)(A)—

''(i) inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) accept and process a request for sentence reduction that has been prepared and submitted on the defendant's behalf by the defendant's attorney, partner, or family member under clause (i); and

''(iii) upon request from the defendant or his attorney, partner, or family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(C) ensure that all Bureau of Prisons facilities regularly and visibly post, including in prisoner handbooks, staff training materials, and facility law libraries and medical and hospice facilities, and make available to prisoners upon demand, notice of—

''(i) a defendant's ability to request a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) the procedures and timelines for initiating and resolving requests described in clause (i); and

''(iii) the right to appeal a denial of a request described in clause (i) after all administrative rights to appeal within the Bureau of Prisons have been exhausted.

''(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, and once every year thereafter, the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on requests for sentence reductions pursuant to subsection (c)(1)(A), which shall include a description of, for the previous year—

''(A) the number of prisoners granted and denied sentence reductions, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(B) the number of requests initiated by or on behalf of prisoners, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(C) the number of requests that Bureau of Prisons employees assisted prisoners in drafting, preparing, or submitting, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(D) the number of requests that attorneys, partners, or family members submitted on a defendant's behalf, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(E) the number of requests approved by the Director of the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(F) the number of requests denied by the Director of the Bureau of Prisons and the reasons given for each denial, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(G) for each request, the time elapsed between the date the request was received by the warden and the final decision, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(H) for each request, the number of prisoners who died while their request was pending and, for each, the amount of time that had elapsed between the date the request was received by the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(I) the number of Bureau of Prisons notifications to attorneys, partners, and family members of their right to visit a terminally ill defendant as required under paragraph (2)(A)(ii) and, for each, whether a visit occurred and how much time elapsed between the notification and the visit;

''(J) the number of visits to terminally ill prisoners that were denied by the Bureau of Prisons due to security or other concerns, and the reasons given for each denial; and

''(K) the number of motions filed by defendants with the court after all administrative rights to appeal a denial of a sentence reduction had been exhausted, the outcome of each motion, and the time that had elapsed between the date the request was first received by the Bureau of Prisons and the date the defendant filed the motion with the court.''.

SEC. 604. IDENTIFICATION FOR RETURNING CITIZENS.

(a) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—Section 231(b) of the Second Chance Act of 2007 (34 U.S.C. 60541(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''(including'' and inserting ''prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including''; and

(B) by striking ''or birth certificate) prior to release'' and inserting ''and a birth certificate''; and

(2) by adding at the end the following:

''(4) DEFINITION.—In this subsection, the term 'community confinement' means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility.''.

(b) DUTIES OF THE BUREAU OF PRISONS.—Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (D) and (E) as paragraphs (6) and (7), respectively;

(2) in paragraph (6) (as so redesignated)—

(A) in clause (i)—

(i) by striking ''Social Security Cards,''; and

(ii) by striking ''and'' at the end;

(B) by redesignating clause (ii) as clause (iii);

(C) by inserting after clause (i) the following:

''(ii) obtain identification, including a social security card, driver's license or other official photo identification, and a birth certificate; and'';

(D) in clause (iii) (as so redesignated), by inserting after ''prior to release'' the following: ''from a sentence to a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term of community confinement''; and

(E) by redesignating clauses (i), (ii), and (iii) (as so amended) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly; and

(3) in paragraph (7) (as so redesignated), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively, and adjusting the margins accordingly.

SEC. 605. EXPANDING INMATE EMPLOYMENT THROUGH FEDERAL PRISON INDUSTRIES.

(a) NEW MARKET AUTHORIZATIONS.—Chapter 307 of title 18, United States Code, is amended by inserting after section 4129 the following:

''§ 4130. Additional markets

''(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, Federal Prison Industries may sell products to—

''(1) public entities for use in penal or correctional institutions;

''(2) public entities for use in disaster relief or emergency response;

''(3) the government of the District of Columbia; and

''(4) any organization described in subsection (c)(3), (c)(4), or (d) of section 501 of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.

''(b) OFFICE FURNITURE.—Federal Prison Industries may not sell office furniture to the organizations described in subsection (a)(4).

''(c) DEFINITIONS.—In this section:

''(1) The term 'office furniture' means any product or service offering intended to meet the furnishing needs of the workplace, including office, healthcare, educational, and hospitality environments.

''(2) The term 'public entity' means a State, a subdivision of a State, an Indian tribe, and an agency or governmental corporation or business of any of the foregoing.

''(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by inserting after the item relating to section 4129 the following:

''4130. Additional markets.''.

(c) DEFERRED COMPENSATION.—Section 4126(c)(4) of title 18, United States Code, is amended by inserting after ''operations,'' the following: ''not less than 15 percent of such compensation for any inmate shall be reserved in the fund or a separate account and made available to assist the inmate with costs associated with release from prison,''.

(d) GAO REPORT.—Beginning not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of Federal Prison Industries that includes the following:

(1) An evaluation of Federal Prison Industries's effectiveness in reducing recidivism compared to other rehabilitative programs in the prison system.

(2) An evaluation of the scope and size of the additional markets made available to Federal Prison Industries under this section and the total market value that would be opened up to Federal Prison Industries for competition with private sector providers of products and services.

(3) An evaluation of whether the following factors create an unfair competitive environment between Federal Prison Industries and private sector providers of products and services which would be exacerbated by further expansion:

(A) Federal Prison Industries's status as a mandatory source of supply for Federal agencies and the requirement that the buying agency must obtain a waiver in order to make a competitive purchase from the private sector if the item to be acquired is listed on the schedule of products and services published by Federal Prison Industries.

(B) Federal Prison Industries's ability to determine that the price to be paid by Federal Agencies is fair and reasonable, rather than such a determination being made by the buying agency.

(C) An examination of the extent to which Federal Prison Industries is bound by the requirements of the generally applicable Federal Acquisition Regulation pertaining to the conformity of the delivered product with the specified design and performance specifications and adherence to the delivery schedule required by the Federal agency, based on the transactions being categorized as interagency transfers.

(D) An examination of the extent to which Federal Prison Industries avoids transactions that are little more than pass through transactions where the work provided by inmates does not create meaningful value or meaningful work opportunities for inmates.

(E) The extent to which Federal Prison Industries must comply with the same worker protection, workplace safety and similar regulations applicable to, and enforceable against, Federal contractors.

(F) The wages Federal Prison Industries pays to inmates, taking into account inmate productivity and other factors such as security concerns associated with having a facility in a prison.

(G) The effect of any additional cost advantages Federal Prison Industries has over private sector providers of goods and services, including—

(i) the costs absorbed by the Bureau of Prisons such as inmate medical care and infrastructure expenses including real estate and utilities; and

(ii) its exemption from Federal and State income taxes and property taxes.

(4) An evaluation of the extent to which the customers of Federal Prison Industries are satisfied with quality, price, and timely delivery of the products and services provided it provides, including summaries of other independent assessments such as reports of agency inspectors general, if applicable.

SEC. 606. DE-ESCALATION TRAINING.

Beginning not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Prisons shall incorporate into training programs provided to officers and employees of the Bureau of Prisons (including officers and employees of an organization with which the Bureau of Prisons has a contract to provide services relating to imprisonment) specialized and comprehensive training in procedures to—

(1) de-escalate encounters between a law enforcement officer or an officer or employee of the Bureau of Prisons, and a civilian or a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act); and

(2) identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.

SEC. 607. EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.

(a) REPORT ON EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and the capacity of the Bureau of Prisons to treat heroin and opioid abuse through evidence-based programs, including medication-assisted treatment where appropriate. In preparing the report, the Director shall consider medication-assisted treatment as a strategy to assist in treatment where appropriate and not as a replacement for holistic and other drug-free approaches. The report shall include a description of plans to expand access to evidence-based treatment for heroin and opioid abuse for prisoners, including access to medication-assisted treatment in appropriate cases. Following submission, the Director shall take steps to implement these plans.

(b) REPORT ON THE AVAILABILITY OF MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE, AND IMPLEMENTATION THEREOF.—Not later than 120 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and capacity for the provision of medication-assisted treatment for opioid and heroin abuse by treatment service providers serving prisoners who are serving a term of supervised release, and including a description of plans to expand access to medication-assisted treatment for heroin and opioid abuse whenever appropriate among prisoners under supervised release. Following submission, the Director will take steps to implement these plans.

SEC. 608. PILOT PROGRAMS.

(a) IN GENERAL.—The Bureau of Prisons shall establish each of the following pilot programs for 5 years, in at least 20 facilities:

(1) MENTORSHIP FOR YOUTH.—A program to pair youth with volunteers from faith-based or community organizations, which may include formerly incarcerated offenders, that have relevant experience or expertise in mentoring, and a willingness to serve as a mentor in such a capacity.

(2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE ANIMALS.—A program to equip prisoners with the skills to provide training and therapy to animals seized by Federal law enforcement under asset forfeiture authority and to organizations that provide shelter and similar services to abandoned, rescued, or otherwise vulnerable animals.

(b) REPORTING REQUIREMENT.—Not later than 1 year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the pilot programs under this section. Such report shall include cost savings, numbers of participants, and information about recidivism rates among participants.

(c) DEFINITION.—In this title, the term ''youth'' means a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.

SEC. 609. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended in paragraph (8)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended in paragraph (12)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

SEC. 610. DATA COLLECTION.

(a) NATIONAL PRISONER STATISTICS PROGRAM.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), the Director of the Bureau of Justice Statistics, with information that shall be provided by the Director of the Bureau of Prisons, shall include in the National Prisoner Statistics Program the following:

(1) The number of prisoners (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who are veterans of the Armed Forces of the United States.

(2) The number of prisoners who have been placed in solitary confinement at any time during the previous year.

(3) The number of female prisoners known by the Bureau of Prisons to be pregnant, as well as the outcomes of such pregnancies, including information on pregnancies that result in live birth, stillbirth, miscarriage, abortion, ectopic pregnancy, maternal death, neonatal death, and preterm birth.

(4) The number of prisoners who volunteered to participate in a substance abuse treatment program, and the number of prisoners who have participated in such a program.

(5) The number of prisoners provided medication-assisted treatment with medication approved by the Food and Drug Administration while in custody in order to treat substance use disorder.

(6) The number of prisoners who were receiving medication-assisted treatment with medication approved by the Food and Drug Administration prior to the commencement of their term of imprisonment.

(7) The number of prisoners who are the parent or guardian of a minor child.

(8) The number of prisoners who are single, married, or otherwise in a committed relationship.

(9) The number of prisoners who have not achieved a GED, high school diploma, or equivalent prior to entering prison.

(10) The number of prisoners who, during the previous year, received their GED or other equivalent certificate while incarcerated.

(11) The numbers of prisoners for whom English is a second language.

(12) The number of incidents, during the previous year, in which restraints were used on a female prisoner during pregnancy, labor, or postpartum recovery, as well as information relating to the type of restraints used, and the circumstances under which each incident occurred.

(13) The vacancy rate for medical and healthcare staff positions, and average length of such a vacancy.

(14) The number of facilities that operated, at any time during the previous year, without at least 1 clinical nurse, certified paramedic, or licensed physician on site.

(15) The number of facilities that during the previous year were accredited by the American Correctional Association.

(16) The number and type of recidivism reduction partnerships described in section 3621(h)(5) of title 18, United States Code, as added by section 102(a) of this Act, entered into by each facility.

(17) The number of facilities with remote learning capabilities.

(18) The number of facilities that offer prisoners video conferencing.

(19) Any changes in costs related to legal phone calls and visits following implementation of section 3632(d)(1) of title 18, United States Code, as added by section 101(a) of this Act.

(20) The number of aliens in prison during the previous year.

(21) For each Bureau of Prisons facility, the total number of violations that resulted in reductions in rewards, incentives, or time credits, the number of such violations for each category of violation, and the demographic breakdown of the prisoners who have received such reductions.

(22) The number of assaults on Bureau of Prisons staff by prisoners and the number of criminal prosecutions of prisoners for assaulting Bureau of Prisons staff.

(23) The capacity of each recidivism reduction program and productive activity to accommodate eligible inmates at each Bureau of Prisons facility.

(24) The number of volunteers who were certified to volunteer in a Bureau of Prisons facility, broken down by level (level I and level II), and by each Bureau of Prisons facility.

(25) The number of prisoners enrolled in recidivism reduction programs and productive activities at each Bureau of Prisons facility, broken down by risk level and by program, and the number of those enrolled prisoners who successfully completed each program.

(26) The breakdown of prisoners classified at each risk level by demographic characteristics, including age, sex, race, and the length of the sentence imposed.

(b) REPORT TO JUDICIARY COMMITTEES.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter for a period of 7 years, the Director of the Bureau of Justice Statistics shall submit a report containing the information described in paragraphs (1) through (26) of subsection (a) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 611. HEALTHCARE PRODUCTS.

(a) AVAILABILITY.—The Director of the Bureau of Prisons shall make the healthcare products described in subsection (c) available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.

(b) QUALITY PRODUCTS.—The Director shall ensure that the healthcare products provided under this section conform with applicable industry standards.

(c) PRODUCTS.—The healthcare products described in this subsection are tampons and sanitary napkins.

SEC. 612. ADULT AND JUVENILE COLLABORATION PROGRAMS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651) is amended—

(1) in subsection (b)(4)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D);

(2) in subsection (e), by striking ''may use up to 3 percent'' and inserting ''shall use not less than 6 percent''; and

(3) by amending subsection (g) to read as follows:

''(g) COLLABORATION SET-ASIDE.—The Attorney General shall use not less than 8 percent of funds appropriated to provide technical assistance to State and local governments receiving grants under this part to foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).''.

SEC. 613. JUVENILE SOLITARY CONFINEMENT.

(a) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''§ 5043. Juvenile solitary confinement

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered juvenile' means—

''(A) a juvenile who—

''(i) is being proceeded against under this chapter for an alleged act of juvenile delinquency; or

''(ii) has been adjudicated delinquent under this chapter; or

''(B) a juvenile who is being proceeded against as an adult in a district court of the United States for an alleged criminal offense;

''(2) the term 'juvenile facility' means any facility where covered juveniles are—

''(A) committed pursuant to an adjudication of delinquency under this chapter; or

''(B) detained prior to disposition or conviction; and

''(3) the term 'room confinement' means the involuntary placement of a covered juvenile alone in a cell, room, or other area for any reason.

''(b) PROHIBITION ON ROOM CONFINEMENT IN JUVENILE FACILITIES.—

''(1) IN GENERAL.—The use of room confinement at a juvenile facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a covered juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile, is prohibited.

''(2) JUVENILES POSING RISK OF HARM.—

''(A) REQUIREMENT TO USE LEAST RESTRICTIVE TECHNIQUES.—

''(i) IN GENERAL.—Before a staff member of a juvenile facility places a covered juvenile in room confinement, the staff member shall attempt to use less restrictive techniques, including—

''(I) talking with the covered juvenile in an attempt to de-escalate the situation; and

''(II) permitting a qualified mental health professional to talk to the covered juvenile.

''(ii) EXPLANATION.—If, after attempting to use less restrictive techniques as required under clause (i), a staff member of a juvenile facility decides to place a covered juvenile in room confinement, the staff member shall first—

''(I) explain to the covered juvenile the reasons for the room confinement; and

''(II) inform the covered juvenile that release from room confinement will occur—

''(aa) immediately when the covered juvenile regains self-control, as described in subparagraph (B)(i); or

''(bb) not later than after the expiration of the time period described in subclause (I) or (II) of subparagraph (B)(ii), as applicable.

''(B) MAXIMUM PERIOD OF CONFINEMENT.—If a covered juvenile is placed in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others, the covered juvenile shall be released—

''(i) immediately when the covered juvenile has sufficiently gained control so as to no longer engage in behavior that threatens serious and immediate risk of physical harm to himself or herself, or to others; or

''(ii) if a covered juvenile does not sufficiently gain control as described in clause (i), not later than—

''(I) 3 hours after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm to others; or

''(II) 30 minutes after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm only to himself or herself.

''(C) RISK OF HARM AFTER MAXIMUM PERIOD OF CONFINEMENT.—If, after the applicable maximum period of confinement under subclause (I) or (II) of subparagraph (B)(ii) has expired, a covered juvenile continues to pose a serious and immediate risk of physical harm described in that subclause—

''(i) the covered juvenile shall be transferred to another juvenile facility or internal location where services can be provided to the covered juvenile without relying on room confinement; or

''(ii) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the juvenile facility shall initiate a referral to a location that can meet the needs of the covered juvenile.

''(D) SPIRIT AND PURPOSE.—The use of consecutive periods of room confinement to evade the spirit and purpose of this subsection shall be prohibited.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''5043. Juvenile solitary confinement.''.

TITLE VII—FAIRNESS FOR CRIME VICTIMS

SEC. 701. SHORT TITLE.

This title may be cited as the ''Fairness for Crime Victims Act of 2018''.

SEC. 702. POINT OF ORDER AGAINST CERTAIN CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

(a) FINDINGS.—Congress finds that—

(1) the Crime Victims Fund was created in 1984, with the support of overwhelming bipartisan majorities in the House of Representatives and the Senate and the support of President Ronald Reagan, who signed the Victims of Crime Act of 1984 (Public Law 98–473) into law;

(2) the Crime Victims Fund was created based on the principle that funds the Federal Government collects from those convicted of crime should be used to aid those who have been victimized by crime;

(3) the Crime Victims Fund is funded from fines, penalties, and forfeited bonds in Federal court and private donations;

(4) the Crime Victims Fund receives no taxpayer dollars;

(5) Federal law provides that funds deposited into the Crime Victims Fund shall be used to provide services to victims of crime in accordance with the Victims of Crime Act of 1984;

(6) the Victims of Crime Act of 1984 gives priority to victims of child abuse, sexual assault, and domestic violence;

(7) since fiscal year 2000, Congress has been taking funds collected by the Crime Victims Fund and not disbursing the full amount provided for under the Victims of Crime Act of 1984;

(8) over $10,000,000,000 has been withheld from victims of child abuse, sexual assault, domestic violence, and other crimes;

(9) from fiscal year 2010 through fiscal year 2014, the Crime Victims Fund collected $12,000,000,000, but Congress disbursed only $3,600,000,000 (or 30 percent) to victims of crime;

(10) since fiscal year 2015, Congress has increased disbursals from the Crime Victims Fund to victims of crime, but a permanent solution is necessary to ensure consistent disbursals to victims of crime who rely on these funds every year;

(11) under budget rules, Congress represents that the money it has already spent in prior years is still in the Crime Victims Fund and available for victims of crime;

(12) it is time to restore fairness to crime victims; and

(13) funds collected by the Crime Victims Fund should be used for services to crime victims in accordance with the Victims of Crime Act of 1984.

(b) AMENDMENT.—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''SEC. 441. POINT OF ORDER AGAINST CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

''(a) DEFINITIONS.—In this section—

''(1) the term 'CHIMP' means a provision that—

''(A) would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) (as

in effect prior to September 30, 2002) if the provision was included in legislation other than an appropriation Act; and

''(B) results in a net decrease in budget authority in the current year or the budget year, but does not result in a net decrease in outlays over the period of the total of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget;

''(2) the term 'Crime Victims Fund' means the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101); and

''(3) the term '3-year average amount' means the annual average amount that was deposited into the Crime Victims Fund during the 3-fiscal-year period beginning on October 1 of the fourth fiscal year before the fiscal year to which a CHIMP affecting the Crime Victims Fund applies.

''(b) POINT OF ORDER IN THE SENATE.—

''(1) POINT OF ORDER.—

''(A) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill or joint resolution making appropriations for all or a portion of a fiscal year, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, that contains a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount.

''(B) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in subparagraph (A), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

''(2) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e).

''(3) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

''(4) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this subsection may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chose and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

''(5) DETERMINATION.—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the Senate.

''(c) POINT OF ORDER IN THE HOUSE OF REPRESENTATIVES.—

''(1) IN GENERAL.—A provision in a bill or joint resolution making appropriations for a fiscal year that proposes a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount shall not be in order in the House of Representatives.

''(2) AMENDMENTS AND CONFERENCE REPORTS.—It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making appropriations for a fiscal year if such amendment thereto or conference report thereon proposes a CHIMP that, if enacted, would cause the amount available for obligation during the fiscal year from the Crime Victims Fund to be less than the 3-year average amount.

''(3) DETERMINATION.—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the House of Representatives.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 428 the following:

''PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

''Sec. 441. Point of order against changes in mandatory programs affecting the Crime Victims Fund.''.

SA 4130. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 12, strike line 22 and all that follows through page 24, line 24, and insert the following:

''(i) Section 32, relating to destruction of aircraft or aircraft facilities.

''(ii) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(iii) Section 36, relating to drive-by shootings.

''(iv) Section 81, relating to arson within special maritime and territorial jurisdiction.

''(v) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(vi) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(vii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(viii) Section 116, relating to female genital mutilation.

''(ix) Section 117, relating to domestic assault by a habitual offender.

''(x) Any section of chapter 10, relating to biological weapons.

''(xi) Any section of chapter 11B, relating to chemical weapons.

''(xii) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(xiii) Section 521, relating to criminal street gangs.

''(xiv) Section 751, relating to prisoners in custody of an institution or officer.

''(xv) Section 793, relating to gathering, transmitting, or losing defense information.

''(xvi) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xviii) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

''(xix) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xx) Section 871, relating to threats against the President and successors to the Presidency.

''(xxi) Section 879, relating to threats against former Presidents and certain other persons.

''(xxii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xxiii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xxiv) Section 1091, relating to genocide.

''(xxv) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xxvi) Any section of chapter 55, relating to kidnapping.

''(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxviii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxix) Section 1791, relating to providing or possessing contraband in prison.

''(xxx) Section 1792, relating to mutiny and riots.

''(xxxi) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxxii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxxiii) Section 2113(e), relating to bank robbery resulting in death.

''(xxxiv) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxxv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

''(xxxvi) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxvii) Any section of chapter 109A, relating to sexual abuse.

''(xxxviii) Section 2250, relating to failure to register as a sex offender.

''(xxxix) Section 2251, relating to the sexual exploitation of children.

''(xl) Section 2251A, relating to the selling or buying of children.

''(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xlii) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xliii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xliv) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xlv) Section 2284, relating to the transportation of terrorists.

''(xlvi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlvii) Any section of chapter 113B, relating to terrorism.

''(xlviii) Section 2340A, relating to torture.

''(xlix) Section 2381, relating to treason.

''(l) Section 2442, relating to the recruitment or use of child soldiers.

''(li) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(lii) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(liii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(liv) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(lv) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(lvi) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(lvii) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lviii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

SA 4131. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 12, strike line 22 and all that follows through page 57, line 8, and insert the following:

''(i) Section 32, relating to destruction of aircraft or aircraft facilities.

''(ii) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(iii) Section 36, relating to drive-by shootings.

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''(v) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(vi) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(vii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(viii) Section 116, relating to female genital mutilation.

''(ix) Section 117, relating to domestic assault by a habitual offender.

''(x) Any section of chapter 10, relating to biological weapons.

''(xi) Any section of chapter 11B, relating to chemical weapons.

''(xii) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(xiii) Section 521, relating to criminal street gangs.

''(xiv) Section 751, relating to prisoners in custody of an institution or officer.

''(xv) Section 793, relating to gathering, transmitting, or losing defense information.

''(xvi) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xviii) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

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''(xxii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xxiii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xxiv) Section 1091, relating to genocide.

''(xxv) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xxvi) Any section of chapter 55, relating to kidnapping.

''(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxviii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxix) Section 1791, relating to providing or possessing contraband in prison.

''(xxx) Section 1792, relating to mutiny and riots.

''(xxxi) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxxii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxxiii) Section 2113(e), relating to bank robbery resulting in death.

''(xxxiv) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxxv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

''(xxxvi) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxvii) Any section of chapter 109A, relating to sexual abuse.

''(xxxviii) Section 2250, relating to failure to register as a sex offender.

''(xxxix) Section 2251, relating to the sexual exploitation of children.

''(xl) Section 2251A, relating to the selling or buying of children.

''(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xlii) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xliii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xliv) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xlv) Section 2284, relating to the transportation of terrorists.

''(xlvi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlvii) Any section of chapter 113B, relating to terrorism.

''(xlviii) Section 2340A, relating to torture.

''(xlix) Section 2381, relating to treason.

''(l) Section 2442, relating to the recruitment or use of child soldiers.

''(li) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(lii) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

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''(liv) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(lv) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(lvi) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(lvii) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lviii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(E) DEPORTABLE PRISONERS INELIGIBLE TO APPLY TIME CREDITS.—

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

''(ii) PROCEEDINGS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early as practicable during the prisoner's incarceration.

''(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

''(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

''(1) general levels of violations and resulting reductions;

''(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not

include any future time credits that the prisoner may earn; and

''(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

''(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include—

''(1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

''(2) continuing education;

''(3) periodic training updates; and

''(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

''(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

''(h) DYSLEXIA SCREENING.—

''(1) SCREENING.—The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during—

''(A) the intake process; and

''(B) each periodic risk reassessment of a prisoner.

''(2) TREATMENT.—The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

''§ 3633. Evidence-based recidivism reduction program and recommendations

''(a) IN GENERAL.—Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall—

''(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;

''(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

''(3) identify the most effective evidence-based recidivism reduction programs;

''(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

''(5) direct the Bureau of Prisons regarding—

''(A) evidence-based recidivism reduction programs;

''(B) the ability for faith-based organizations to function as a provider of educational evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

''(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

''(b) REVIEW AND RECOMMENDATIONS REGARDING DYSLEXIA MITIGATION.—In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by—

''(1) reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

''(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

''§ 3634. Report

''Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

''(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

''(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

''(A) evidence about which programs have been shown to reduce recidivism;

''(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

''(C) identification of any gaps or shortages in capacity of such programs and activities.

''(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

''(A) The primary offense of conviction.

''(B) The length of the sentence imposed and served.

''(C) The Bureau of Prisons facility or facilities in which the prisoner's sentence was served.

''(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

''(E) The prisoner's assessed and reassessed risk of recidivism.

''(F) The productive activities that the prisoner successfully completed, if any.

''(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

''(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

''(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

''(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

''(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

''(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with—

''(A) the transfer of prisoners into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

''(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

''(7) An assessment of budgetary savings resulting from this subchapter, including—

''(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

''(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

''(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other—

''(i) Federal, State, and local law enforcement activities; and

''(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

''(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter are currently being used and will be used to—

''(i) increase investment in law enforcement and crime prevention to combat gangs of national significance and high-level drug traffickers through the High Intensity Drug Trafficking Areas Program and other task forces;

''(ii) hire, train, and equip law enforcement officers and prosecutors; and

''(iii) promote crime reduction programs using evidence-based practices and strategic planning to help reduce crime and criminal recidivism.

''(8) Statistics on—

''(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

''(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

''§ 3635. Definitions

''In this subchapter the following definitions apply:

''(1) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

''(2) DYSLEXIA SCREENING PROGRAM.—The term 'dyslexia screening program' means a screening program for dyslexia that is—

''(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

''(B) efficient and low-cost; and

''(C) readily available.

''(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

''(B) is designed to help prisoners succeed in their communities upon release from prison; and

''(C) may include—

''(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

''(ii) family relationship building, structured parent-child interaction, and parenting skills;

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

''(ix) faith-based classes or services;

''(x) civic engagement and reintegrative community services;

''(xi) a prison job, including through a prison work program;

''(xii) victim impact classes or other restorative justice programs; and

''(xiii) trauma counseling and trauma-informed support programs.

''(4) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

''(5) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.

''(6) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

''(A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

''(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

''(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''D. Risk and Needs Assessment ..... 3631''.

SEC. 102. IMPLEMENTATION OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

''(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

''(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

''(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

''(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

''(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

''(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

''(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

''(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

''(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

''(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

''(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

''(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

''(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

''(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.''.

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(A) in subsection (b)(1)—

(i) by striking '', beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term,'' and inserting ''of up to 54 days for each year of the prisoner's sentence imposed by the court,''; and

(ii) by striking ''credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence'' and inserting ''credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment''; and

(B) by adding at the end the following:

''(g) PRERELEASE CUSTODY OR SUPERVISED RELEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

''(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

''(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

''(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

''(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

''(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner—

''(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

''(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that—

''(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

''(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

''(cc) the prisoner is unlikely to recidivate; or

''(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

''(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

''(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

''(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

''(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

''(3) SUPERVISED RELEASE.—If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.

''(4) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

''(5) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(6) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining—

''(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

''(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

''(7) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall—

''(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

''(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

''(8) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

''(9) MENTORING, REENTRY, AND SPIRITUAL SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner.

''(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

''(11) PRERELEASE CUSTODY CAPACITY.—The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987.

SEC. 103. GAO REPORT.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621 of title 18, United States Code.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code, as added by section 101(a) of this Act.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3632(f) of title 18, United States Code, as added by section 101(a) of this Act.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody or supervised release as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $75,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 3621(h) of title 18, United States Code, as added by section 102(a) of this Act.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions in recidivism that result from this title should be reinvested—

(1) to supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials, including for the adoption of innovative technologies and information sharing capabilities;

(2) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(3) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States or to amend or affect the enforcement of the immigration laws, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are

offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in explicitly religious

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SA 4132. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''First Step Act of 2018''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—RECIDIVISM REDUCTION

SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Chapter 229 of title 18, United States Code, is amended by inserting after subchapter C the following:

''SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

''§ 3631. Duties of the Attorney General

''(a) IN GENERAL.—The Attorney General shall carry out this subchapter in consultation with—

''(1) the Director of the Bureau of Prisons;

''(2) the Director of the Administrative Office of the United States Courts;

''(3) the Director of the Office of Probation and Pretrial Services;

''(4) the Director of the National Institute of Justice;

''(5) the Director of the National Institute of Corrections; and

''(6) the Independent Review Committee authorized by the First Step Act of 2018.

''(b) DUTIES.—The Attorney General shall—

''(1) conduct a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this subchapter;

''(2) develop recommendations regarding evidence-based recidivism reduction programs and productive activities in accordance with section 3633;

''(3) conduct ongoing research and data analysis on—

''(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

''(B) the most effective and efficient uses of such programs;

''(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

''(D) products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States;

''(4) on an annual basis, review, validate, and release publicly on the Department of Justice website the risk and needs assessment system, which review shall include—

''(A) any subsequent changes to the risk and needs assessment system made after the date of enactment of this subchapter;

''(B) the recommendations developed under paragraph (2), using the research conducted under paragraph (3);

''(C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;

''(D) statistical validation of any tools that the risk and needs assessment system uses; and

''(E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates;

''(5) make any revisions or updates to the risk and needs assessment system that the Attorney General determines appropriate pursuant to the review under paragraph (4), including updates to ensure that any disparities identified in paragraph (4)(E) are reduced to the greatest extent possible; and

''(6) report to Congress in accordance with section 3634.

''§ 3632. Development of risk and needs assessment system

''(a) IN GENERAL.—Not later than 210 days after the date of enactment of this subchapter, the Attorney General, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, shall develop and release publicly on the Department of Justice website a risk and needs assessment system (referred to in this subchapter as the 'System'), which shall be used to—

''(1) determine the recidivism risk of each prisoner as part of the intake process, and classify each prisoner as having minimum, low, medium, or high risk for recidivism;

''(2) assess and determine, to the extent practicable, the risk of violent or serious misconduct of each prisoner;

''(3) determine the type and amount of evidence-based recidivism reduction programming that is appropriate for each prisoner and assign each prisoner to such programming accordingly, and based on the prisoner's specific criminogenic needs, and in accordance with subsection (b);

''(4) reassess the recidivism risk of each prisoner periodically, based on factors including indicators of progress, and of regression, that are dynamic and that can reasonably be expected to change while in prison;

''(5) reassign the prisoner to appropriate evidence-based recidivism reduction programs or productive activities based on the revised determination to ensure that—

''(A) all prisoners at each risk level have a meaningful opportunity to reduce their classification during the period of incarceration;

''(B) to address the specific criminogenic needs of the prisoner; and

''(C) all prisoners are able to successfully participate in such programs;

''(6) determine when to provide incentives and rewards for successful participation in evidence-based recidivism reduction programs or productive activities in accordance with subsection (e);

''(7) determine when a prisoner is ready to transfer into prerelease custody or supervised release in accordance with section 3624; and

''(8) determine the appropriate use of audio technology for program course materials with an understanding of dyslexia.

In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate.

''(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS.—The System shall provide guidance on the type, amount, and intensity of evidence-based recidivism reduction programming and productive activities that shall be assigned for each prisoner, including—

''(1) programs in which the Bureau of Prisons shall assign the prisoner to participate, according to the prisoner's specific criminogenic needs; and

''(2) information on the best ways that the Bureau of Prisons can tailor the programs to the specific criminogenic needs of each prisoner so as to most effectively lower each prisoner's risk of recidivism.

''(c) HOUSING AND ASSIGNMENT DECISIONS.—The System shall provide guidance on program grouping and housing assignment determinations and, after accounting for the safety of each prisoner and other individuals at the prison, provide that prisoners with a similar risk level be grouped together in housing and assignment decisions to the extent practicable.

''(d) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES REWARDS.—The System shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

''(1) PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive—

''(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

''(B) additional time for visitation at the prison, as determined by the warden of the prison.

''(2) TRANSFER TO INSTITUTION CLOSER TO RELEASE RESIDENCE.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to—

''(A) bed availability at the transfer facility;

''(B) the prisoner's security designation; and

''(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request.

''(3) ADDITIONAL POLICIES.—The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming. The incentives shall include not less than 2 of the following:

''(A) Increased commissary spending limits and product offerings.

''(B) Extended opportunities to access the email system.

''(C) Consideration of transfer to preferred housing units (including transfer to different prison facilities).

''(D) Other incentives solicited from prisoners and determined appropriate by the Director.

''(4) TIME CREDITS.—

''(A) IN GENERAL.—A prisoner, except for an ineligible prisoner under subparagraph (D), who successfully completes evidence-based recidivism reduction programming or productive activities, shall earn time credits as follows:

''(i) A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

''(B) AVAILABILITY.—A prisoner may not earn time credits under this paragraph for an evidence-based recidivism reduction program that the prisoner successfully completed—

''(i) prior to the date of enactment of this subchapter; or

''(ii) during official detention prior to the date that the prisoner's sentence commences under section 3585(a).

''(C) APPLICATION OF TIME CREDITS TOWARD PRERELEASE CUSTODY OR SUPERVISED RELEASE.—Time credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities shall be applied toward time in prerelease custody or supervised release. The Director of the Bureau of Prisons shall transfer eligible prisoners, as determined under section 3624(g), into prerelease custody or supervised release.

''(D) INELIGIBLE PRISONERS.—A prisoner is ineligible to receive time credits under this paragraph if the prisoner is serving a sentence for a conviction under any of the following provisions of law:

''(i) Section 32, relating to destruction of aircraft or aircraft facilities.

''(ii) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(iii) Section 36, relating to drive-by shootings.

''(iv) Section 81, relating to arson within special maritime and territorial jurisdiction.

''(v) Section 111(b), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.

''(vi) Paragraph (1), (7), or (8) of section 113(a), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.

''(vii) Section 115, relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.

''(viii) Section 116, relating to female genital mutilation.

''(ix) Section 117, relating to domestic assault by a habitual offender.

''(x) Any section of chapter 10, relating to biological weapons.

''(xi) Any section of chapter 11B, relating to chemical weapons.

''(xii) Section 351, relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

''(xiii) Section 521, relating to criminal street gangs.

''(xiv) Section 751, relating to prisoners in custody of an institution or officer.

''(xv) Section 793, relating to gathering, transmitting, or losing defense information.

''(xvi) Section 794, relating to gathering or delivering defense information to aid a foreign government.

''(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for section 836 (relating to the transportation of fireworks into a State prohibiting sale or use).

''(xviii) Section 842(p), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in section 2332a(c)).

''(xix) Subsection (f)(3), (h), or (i) of section 844, relating to the use of fire or an explosive.

''(xx) Section 871, relating to threats against the President and successors to the Presidency.

''(xxi) Section 879, relating to threats against former Presidents and certain other persons.

''(xxii) Section 924(c), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

''(xxiii) Section 1030(a)(1), relating to fraud and related activity in connection with computers.

''(xxiv) Section 1091, relating to genocide.

''(xxv) Any section of chapter 51, relating to homicide, except for section 1112 (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

''(xxvi) Any section of chapter 55, relating to kidnapping.

''(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for sections 1593 through 1596.

''(xxviii) Section 1751, relating to Presidential and Presidential staff assassination, kidnapping, and assault.

''(xxix) Section 1791, relating to providing or possessing contraband in prison.

''(xxx) Section 1792, relating to mutiny and riots.

''(xxxi) Section 1841(a)(2)(C), relating to intentionally killing or attempting to kill an unborn child.

''(xxxii) Section 1992, relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

''(xxxiii) Section 2113(e), relating to bank robbery resulting in death.

''(xxxiv) Section 2118(c), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

''(xxxv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

''(xxxvi) Any section of chapter 105, relating to sabotage, except for section 2152.

''(xxxvii) Any section of chapter 109A, relating to sexual abuse.

''(xxxviii) Section 2250, relating to failure to register as a sex offender.

''(xxxix) Section 2251, relating to the sexual exploitation of children.

''(xl) Section 2251A, relating to the selling or buying of children.

''(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

''(xlii) Section 2252A, relating to certain activities involving material constituting or containing child pornography.

''(xliii) Section 2260, relating to the production of sexually explicit depictions of a minor for importation into the United States.

''(xliv) Section 2283, relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

''(xlv) Section 2284, relating to the transportation of terrorists.

''(xlvi) Section 2291, relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

''(xlvii) Any section of chapter 113B, relating to terrorism.

''(xlviii) Section 2340A, relating to torture.

''(xlix) Section 2381, relating to treason.

''(l) Section 2442, relating to the recruitment or use of child soldiers.

''(li) An offense described in section 3559(c)(2)(F), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever

designation and wherever committed, consisting of murder (as described in section 1111), voluntary manslaughter (as described in section 1112), assault with intent to commit murder (as described in section 113(a)), aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242), abusive sexual contact (as described in sections 2244(a)(1) and (a)(2)), kidnapping (as described in chapter 55), carjacking (as described in section 2119), arson (as described in section 844(f)(3), (h), or (i)), or terrorism (as described in chapter 113B).

''(lii) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)), relating to the engagement or participation in the development or production of special nuclear material.

''(liii) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122), relating to prohibitions governing atomic weapons.

''(liv) Section 101 of the Atomic Energy Act of 1954 (42 U.S.C. 2131), relating to the atomic energy license requirement.

''(lv) Section 224 or 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275), relating to the communication or receipt of restricted data.

''(lvi) Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), relating to the sabotage of nuclear facilities or fuel.

''(lvii) Section 60123(b) of title 49, relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

''(lviii) Section 401(a) of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

''(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

''(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

''(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

''(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)

''(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

''(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

''(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

''(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—

''(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

''(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

''(E) DEPORTABLE PRISONERS INELIGIBLE TO APPLY TIME CREDITS.—

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

''(ii) PROCEEDINGS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early as practicable during the prisoner's incarceration.

''(5) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

''(6) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide—

''(1) general levels of violations and resulting reductions;

''(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

''(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

''(f) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include—

''(1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;

''(2) continuing education;

''(3) periodic training updates; and

''(4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

''(g) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

''(h) DYSLEXIA SCREENING.—

''(1) SCREENING.—The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during—

''(A) the intake process; and

''(B) each periodic risk reassessment of a prisoner.

''(2) TREATMENT.—The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

''§ 3633. Evidence-based recidivism reduction program and recommendations

''(a) IN GENERAL.—Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall—

''(1) review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;

''(2) review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;

''(3) identify the most effective evidence-based recidivism reduction programs;

''(4) review the policies for entering into evidence-based recidivism reduction partnerships described in section 3621(h)(5); and

''(5) direct the Bureau of Prisons regarding—

''(A) evidence-based recidivism reduction programs;

''(B) the ability for faith-based organizations to function as a provider of educational

evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and

''(C) the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

''(b) REVIEW AND RECOMMENDATIONS REGARDING DYSLEXIA MITIGATION.—In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by—

''(1) reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

''(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

''§ 3634. Report

''Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

''(1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.

''(2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including—

''(A) evidence about which programs have been shown to reduce recidivism;

''(B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and

''(C) identification of any gaps or shortages in capacity of such programs and activities.

''(3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:

''(A) The primary offense of conviction.

''(B) The length of the sentence imposed and served.

''(C) The Bureau of Prisons facility or facilities in which the prisoner's sentence was served.

''(D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

''(E) The prisoner's assessed and reassessed risk of recidivism.

''(F) The productive activities that the prisoner successfully completed, if any.

''(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including—

''(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

''(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

''(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

''(5) An assessment of the Bureau of Prisons' compliance with section 3621(h).

''(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with—

''(A) the transfer of prisoners into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

''(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

''(7) An assessment of budgetary savings resulting from this subchapter, including—

''(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

''(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

''(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other—

''(i) Federal, State, and local law enforcement activities; and

''(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

''(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter are currently being used and will be used to—

''(i) increase investment in law enforcement and crime prevention to combat gangs of national significance and high-level drug traffickers through the High Intensity Drug Trafficking Areas Program and other task forces;

''(ii) hire, train, and equip law enforcement officers and prosecutors; and

''(iii) promote crime reduction programs using evidence-based practices and strategic planning to help reduce crime and criminal recidivism.

''(8) Statistics on—

''(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

''(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

''§ 3635. Definitions

''In this subchapter the following definitions apply:

''(1) DYSLEXIA.—The term 'dyslexia' means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

''(2) DYSLEXIA SCREENING PROGRAM.—The term 'dyslexia screening program' means a screening program for dyslexia that is—

''(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21))) with proven psychometrics for validity;

''(B) efficient and low-cost; and

''(C) readily available.

''(3) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM.—The term 'evidence-based recidivism reduction program' means either a group or individual activity that—

''(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

''(B) is designed to help prisoners succeed in their communities upon release from prison; and

''(C) may include—

''(i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;

''(ii) family relationship building, structured parent-child interaction, and parenting skills;

''(iii) classes on morals or ethics;

''(iv) academic classes;

''(v) cognitive behavioral treatment;

''(vi) mentoring;

''(vii) substance abuse treatment;

''(viii) vocational training;

''(ix) faith-based classes or services;

''(x) civic engagement and reintegrative community services;

''(xi) a prison job, including through a prison work program;

''(xii) victim impact classes or other restorative justice programs; and

''(xiii) trauma counseling and trauma-informed support programs.

''(4) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

''(5) PRODUCTIVE ACTIVITY.—The term 'productive activity' means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) to other prisoners.

''(6) RISK AND NEEDS ASSESSMENT TOOL.—The term 'risk and needs assessment tool' means an objective and statistically validated method through which information is collected and evaluated to determine—

''(A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

''(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

''(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.''.

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''D. Risk and Needs Assessment ..... 3631''.

SEC. 102. IMPLEMENTATION OF SYSTEM AND RECOMMENDATIONS BY BUREAU OF PRISONS.

(a) IMPLEMENTATION OF SYSTEM GENERALLY.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

''(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the 'System') developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

''(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

''(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

''(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

''(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

''(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

''(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

''(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

''(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

''(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

''(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

''(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

''(C) Private entities that will—

''(i) deliver vocational training and certifications;

''(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

''(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

''(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.''.

(b) PRERELEASE CUSTODY.—

(1) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(A) in subsection (b)(1)—

(i) by striking '', beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term,'' and inserting ''of up to 54 days for each year of the prisoner's sentence imposed by the court,''; and

(ii) by striking ''credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence'' and inserting ''credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment''; and

(B) by adding at the end the following:

''(g) PRERELEASE CUSTODY OR SUPERVISED RELEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PARTICIPANTS.—

''(1) ELIGIBLE PRISONERS.—This subsection applies in the case of a prisoner (as such term is defined in section 3635) who—

''(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the 'System') in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

''(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

''(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

''(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner—

''(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

''(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that—

''(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

''(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

''(cc) the prisoner is unlikely to recidivate; or

''(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

''(2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be placed in prerelease custody as follows:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) ALTERNATE MEANS OF MONITORING.—If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

''(iii) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

''(iv) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

''(B) RESIDENTIAL REENTRY CENTER.—A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

''(3) SUPERVISED RELEASE.—If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.

''(4) DETERMINATION OF CONDITIONS.—In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

''(5) VIOLATIONS OF CONDITIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons

determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(6) ISSUANCE OF GUIDELINES.—The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining—

''(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

''(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

''(7) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall—

''(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

''(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

''(8) ASSISTANCE.—United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

''(9) MENTORING, REENTRY, AND SPIRITUAL SERVICES.—Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner.

''(10) TIME LIMITS INAPPLICABLE.—The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

''(11) PRERELEASE CUSTODY CAPACITY.—The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987.

SEC. 103. GAO REPORT.

Not later than 2 years after the Director of the Bureau of Prisons implements the risk and needs assessment system under section 3621 of title 18, United States Code, and every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the use of the risk and needs assessment system at Bureau of Prisons facilities. The audit shall include analysis of the following:

(1) Whether inmates are being assessed under the risk and needs assessment system with the frequency required under such section 3621 of title 18, United States Code.

(2) Whether the Bureau of Prisons is able to offer recidivism reduction programs and productive activities (as such terms are defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act).

(3) Whether the Bureau of Prisons is offering the type, amount, and intensity of recidivism reduction programs and productive activities for prisoners to earn the maximum amount of time credits for which they are eligible.

(4) Whether the Attorney General is carrying out the duties under section 3631(b) of title 18, United States Code, as added by section 101(a) of this Act.

(5) Whether officers and employees of the Bureau of Prisons are receiving the training described in section 3632(f) of title 18, United States Code, as added by section 101(a) of this Act.

(6) Whether the Bureau of Prisons offers work assignments to all prisoners who might benefit from such an assignment.

(7) Whether the Bureau of Prisons transfers prisoners to prerelease custody or supervised release as soon as they are eligible for such a transfer under section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act.

(8) The rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $75,000,000 for each of fiscal years 2019 through 2023. Of the amount appropriated under this subsection, 80 percent shall be reserved for use by the Director of the Bureau of Prisons to implement the system under section 3621(h) of title 18, United States Code, as added by section 102(a) of this Act.

(b) SAVINGS.—It is the sense of Congress that any savings associated with reductions in recidivism that result from this title should be reinvested—

(1) to supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials, including for the adoption of innovative technologies and information sharing capabilities;

(2) into evidence-based recidivism reduction programs offered by the Bureau of Prisons; and

(3) into ensuring eligible prisoners have access to such programs and productive activities offered by the Bureau of Prisons.

SEC. 105. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States or to amend or affect the enforcement of the immigration laws, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in explicitly religious activities using direct financial assistance made available under this title or the amendments made by this title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, may be construed to amend any requirement under Federal law or the Constitution of the United States regarding funding for faith-based programs or activities.

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act.

(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a corrections system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

(3) 1 individual with expertise in assessing risk assessment implementation.

(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

(3) conducting research and data analysis on—

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs; and

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(4) reviewing and validating the risk and needs assessment system.

(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

(g) REPORT.—Not later than 1 year after the date of enactment of this Act and annually for each year until the Independent Review Committee terminates under this section, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a public report that includes—

(1) a list of all offenses of conviction for which prisoners were ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each offense the number of prisoners excluded, including demographic percentages by age, race, and sex;

(2) the criminal history categories of prisoners ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each category the number of prisoners excluded, including demographic percentages by age, race, and sex;

(3) the number of prisoners ineligible to apply time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, who do not participate in recidivism reduction programming or productive activities, including the demographic percentages by age, race, and sex;

(4) any recommendations for modifications to section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and any other recommendations regarding recidivism reduction.

(h) TERMINATION.—The Independent Review Committee shall terminate on the date that is 5 years after the date on which the risk and needs assessment system authorized by sections 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, is released.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2018''.

SEC. 202. SECURE FIREARMS STORAGE.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§ 4050. Secure firearms storage

''(a) DEFINITIONS.—In this section—

''(1) the term 'employee' means a qualified law enforcement officer employed by the Bureau of Prisons; and

''(2) the terms 'firearm' and 'qualified law enforcement officer' have the meanings given those terms under section 926B.

''(b) SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—

''(1)(A) provides a secure storage area located outside of the secure perimeter of the institution for employees to store firearms; or

''(B) allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and

''(2) notwithstanding any other provision of law, allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''4050. Secure firearms storage.''.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE PERIOD OF PREGNANCY AND POSTPARTUM RECOVERY PROHIBITED.

(a) IN GENERAL.—Chapter 317 of title 18, United States Code, is amended by inserting after section 4321 the following:

''§ 4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited

''(a) PROHIBITION.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a healthcare professional, and ending at the conclusion of postpartum recovery, a prisoner in the custody of the Bureau of Prisons, or in the custody of the United States Marshals Service pursuant to section 4086, shall not be placed in restraints.

''(b) EXCEPTIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply if—

''(A) an appropriate corrections official, or a United States marshal, as applicable, makes a determination that the prisoner—

''(i) is an immediate and credible flight risk that cannot reasonably be prevented by other means; or

''(ii) poses an immediate and serious threat of harm to herself or others that cannot reasonably be prevented by other means; or

''(B) a healthcare professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the medical safety of the prisoner.

''(2) LEAST RESTRICTIVE RESTRAINTS.—In the case that restraints are used pursuant to an exception under paragraph (1), only the least restrictive restraints necessary to prevent the harm or risk of escape described in paragraph (1) may be used.

''(3) APPLICATION.—

''(A) IN GENERAL.—The exceptions under paragraph (1) may not be applied—

''(i) to place restraints around the ankles, legs, or waist of a prisoner;

''(ii) to restrain a prisoner's hands behind her back;

''(iii) to restrain a prisoner using 4-point restraints; or

''(iv) to attach a prisoner to another prisoner.

''(B) MEDICAL REQUEST.—Notwithstanding paragraph (1), upon the request of a healthcare professional who is responsible for the health and safety of a prisoner, a corrections official or United States marshal, as applicable, shall refrain from using restraints on the prisoner or shall remove restraints used on the prisoner.

''(c) REPORTS.—

''(1) REPORT TO THE DIRECTOR AND HEALTHCARE PROFESSIONAL.—If a corrections official or United States marshal uses restraints on a prisoner under subsection (b)(1), that official or marshal shall submit, not later than 30 days after placing the prisoner in restraints, to the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, and to the healthcare professional responsible for the health and safety of the prisoner, a written report that describes the facts and circumstances surrounding the use of restraints, and includes—

''(A) the reasoning upon which the determination to use restraints was made;

''(B) the details of the use of restraints, including the type of restraints used and length of time during which restraints were used; and

''(C) any resulting physical effects on the prisoner observed by or known to the corrections official or United States marshal, as applicable.

''(2) SUPPLEMENTAL REPORT TO THE DIRECTOR.—Upon receipt of a report under paragraph (1), the healthcare professional responsible for the health and safety of the prisoner may submit to the Director such information as the healthcare professional determines is relevant to the use of restraints on the prisoner.

''(3) REPORT TO JUDICIARY COMMITTEES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each submit to the Judiciary Committee of the Senate and of the House of Representatives a report that certifies compliance with this section and includes the information required to be reported under paragraph (1).

''(B) PERSONALLY IDENTIFIABLE INFORMATION.—The report under this paragraph shall not contain any personally identifiable information of any prisoner.

''(d) NOTICE.—Not later than 48 hours after the confirmation of a prisoner's pregnancy by a healthcare professional, that prisoner shall be notified by an appropriate healthcare professional, corrections official, or United States marshal, as applicable, of the restrictions on the use of restraints under this section.

''(e) VIOLATION REPORTING PROCESS.—The Director of the Bureau of Prisons, in consultation with the Director of the United States Marshals Service, shall establish a process through which a prisoner may report a violation of this section.

''(f) TRAINING.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each develop training guidelines regarding the use of restraints on female prisoners during the period of pregnancy, labor, and postpartum recovery, and shall incorporate such guidelines into appropriate training programs. Such training guidelines shall include—

''(A) how to identify certain symptoms of pregnancy that require immediate referral to a healthcare professional;

''(B) circumstances under which the exceptions under subsection (b) would apply;

''(C) in the case that an exception under subsection (b) applies, how to apply restraints in a way that does not harm the prisoner, the fetus, or the neonate;

''(D) the information required to be reported under subsection (c); and

''(E) the right of a healthcare professional to request that restraints not be used, and the requirement under subsection (b)(3)(B) to comply with such a request.

''(2) DEVELOPMENT OF GUIDELINES.—In developing the guidelines required by paragraph (1), the Directors shall each consult with healthcare professionals with expertise in caring for women during the period of pregnancy and postpartum recovery.

''(g) DEFINITIONS.—For purposes of this section:

''(1) POSTPARTUM RECOVERY.—The term 'postpartum recovery' means the 12-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner, following delivery, and shall include the entire period that the prisoner is in the hospital or infirmary.

''(2) PRISONER.—The term 'prisoner' means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons, including a person in a Bureau of Prisons contracted facility.

''(3) RESTRAINTS.—The term 'restraints' means any physical or mechanical device used to control the movement of a prisoner's body, limbs, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 317 of title 18, United States Code, is amended by adding after the item relating to section 4321 the following:

''4322. Use of restraints on prisoners during the period of pregnancy, labor, and postpartum recovery prohibited.''.

TITLE IV—SENTENCING REFORM

SEC. 401. REDUCE AND RESTRICT ENHANCED SENTENCING FOR PRIOR DRUG FELONIES.

(a) CONTROLLED SUBSTANCES ACT AMENDMENTS.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102 (21 U.S.C. 802), by adding at the end the following:

''(57) The term 'serious drug felony' means an offense described in section 924(e)(2) of title 18, United States Code, for which—

''(A) the offender served a term of imprisonment of more than 12 months; and

''(B) the offender's release from any term of imprisonment was within 15 years of the commencement of the instant offense.

''(58) The term 'serious violent felony' means—

''(A) an offense described in section 3559(c)(2) of title 18, United States Code, for which the offender served a term of imprisonment of more than 12 months; and

''(B) any offense that would be a felony violation of section 113 of title 18, United States Code, if the offense were committed in the special maritime and territorial jurisdiction of the United States, for which the offender served a term of imprisonment of more than 12 months.''; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1))—

(A) in subparagraph (A), in the matter following clause (viii)—

(i) by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years'' and inserting the following: ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years''; and

(ii) by striking ''after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release'' and inserting the following: ''after 2 or more prior convictions for a serious drug felony or serious violent felony have become final, such person shall be sentenced to a term of imprisonment of not less than 25 years''; and

(B) in subparagraph (B), in the matter following clause (viii), by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final'' and inserting the following: ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT AMENDMENTS.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), in the matter following subparagraph (H), by striking ''If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not less than 20 years'' and inserting ''If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years''; and

(2) in paragraph (2), in the matter following subparagraph (H), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''.

(c) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

SEC. 402. BROADENING OF EXISTING SAFETY VALVE.

(a) AMENDMENTS.—Section 3553 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''or section 1010'' and inserting '', section 1010''; and

(ii) by inserting '', or section 70503 or 70506 of title 46'' after ''963)'';

(B) by striking paragraph (1) and inserting the following:

''(1) the defendant does not have—

''(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

''(B) a prior 3-point offense, as determined under the sentencing guidelines; and

''(C) a prior 2-point violent offense, as determined under the sentencing guidelines;''; and

(C) by adding at the end the following:

''Information disclosed by a defendant under this subsection may not be used to enhance the sentence of the defendant unless the information relates to a violent offense.''; and

(2) by adding at the end the following:

''(g) DEFINITION OF VIOLENT OFFENSE.—As used in this section, the term 'violent offense' means a crime of violence, as defined in section 16, that is punishable by imprisonment.''.

(b) APPLICABILITY.—The amendments made by this section shall apply only to a conviction entered on or after the date of enactment of this Act.

SEC. 403. CLARIFICATION OF SECTION 924(c) OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c)(1)(C) of title 18, United States Code, is amended, in the matter preceding clause (i), by striking ''second or subsequent conviction under this subsection'' and inserting ''violation of this subsection that occurs after a prior conviction under this subsection has become final''.

(b) APPLICABILITY TO PENDING CASES.—This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment.

SEC. 404. APPLICATION OF FAIR SENTENCING ACT.

(a) DEFINITION OF COVERED OFFENSE.—In this section, the term ''covered offense'' means a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), that was committed before August 3, 2010.

(b) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) were in effect at the time the covered offense was committed.

(c) LIMITATIONS.—No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372) or if a previous motion made under this section to reduce the sentence was, after the date of enactment of this Act, denied after a complete review of the motion on the merits. Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.

TITLE V—SECOND CHANCE ACT OF 2007 REAUTHORIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Second Chance Reauthorization Act of 2018''.

SEC. 502. IMPROVEMENTS TO EXISTING PROGRAMS.

(a) REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL DEMONSTRATION PROJECTS.—Section 2976 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to States, local governments, territories, or Indian tribes, or any combination thereof (in this section referred to as an 'eligible entity'), in partnership with interested persons (including Federal corrections and supervision agencies), service providers, and nonprofit organizations for the purpose of strategic planning and implementation of adult and juvenile offender reentry projects.'';

(2) in subsection (b)—

(A) in paragraph (3), by inserting ''or reentry courts,'' after ''community,'';

(B) in paragraph (6), by striking ''and'' at the end;

(C) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(8) promoting employment opportunities consistent with the Transitional Jobs strategy (as defined in section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502)).''; and

(3) by striking subsections (d), (e), and (f) and inserting the following:

''(d) COMBINED GRANT APPLICATION; PRIORITY CONSIDERATION.—

''(1) IN GENERAL.—The Attorney General shall develop a procedure to allow applicants to submit a single application for a planning grant under subsection (e) and an implementation grant under subsection (f).

''(2) PRIORITY CONSIDERATION.—The Attorney General shall give priority consideration to grant applications under subsections (e) and (f) that include a commitment by the applicant to partner with a local evaluator to identify and analyze data that will—

''(A) enable the grantee to target the intended offender population; and

''(B) serve as a baseline for purposes of the evaluation.

''(e) PLANNING GRANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Attorney General may

make a grant to an eligible entity of not more than $75,000 to develop a strategic, collaborative plan for an adult or juvenile offender reentry demonstration project as described in subsection (h) that includes—

''(A) a budget and a budget justification;

''(B) a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health;

''(C) the activities proposed;

''(D) a schedule for completion of the activities described in subparagraph (C); and

''(E) a description of the personnel necessary to complete the activities described in subparagraph (C).

''(2) MAXIMUM TOTAL GRANTS AND GEOGRAPHIC DIVERSITY.—

''(A) MAXIMUM AMOUNT.—The Attorney General may not make initial planning grants and implementation grants to 1 eligible entity in a total amount that is more than a $1,000,000.

''(B) GEOGRAPHIC DIVERSITY.—The Attorney General shall make every effort to ensure equitable geographic distribution of grants under this section and take into consideration the needs of underserved populations, including rural and tribal communities.

''(3) PERIOD OF GRANT.—A planning grant made under this subsection shall be for a period of not longer than 1 year, beginning on the first day of the month in which the planning grant is made.

''(f) IMPLEMENTATION GRANTS.—

''(1) APPLICATIONS.—An eligible entity desiring an implementation grant under this subsection shall submit to the Attorney General an application that—

''(A) contains a reentry strategic plan as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to fund the program after Federal funding is discontinued;

''(B) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

''(C) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this subsection, and specifically explains how such measurements will provide valid measures of the impact of that program; and

''(D) describes how the project could be broadly replicated if demonstrated to be effective.

''(2) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this subsection only if the application—

''(A) reflects explicit support of the chief executive officer, or their designee, of the State, unit of local government, territory, or Indian tribe applying for a grant under this subsection;

''(B) provides discussion of the role of Federal corrections, State corrections departments, community corrections agencies, juvenile justice systems, and tribal or local jail systems in ensuring successful reentry of offenders into their communities;

''(C) provides evidence of collaboration with State, local, or tribal government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

''(D) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community;

''(E) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant;

''(F) provides a plan for continued collaboration with a local evaluator as necessary to meeting the requirements under subsection (h); and

''(G) demonstrates that the applicant participated in the planning grant process or engaged in comparable planning for the reentry project.

''(3) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this subsection that best—

''(A) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

''(B) include—

''(i) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(ii) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities;

''(iii) coordination with families of offenders;

''(iv) input, where appropriate, from the juvenile justice coordinating council of the region;

''(v) input, where appropriate, from the reentry coordinating council of the region; or

''(vi) input, where appropriate, from other interested persons;

''(C) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

''(i) planning for prerelease transitional housing and community release that begins upon admission for juveniles and jail inmates, and, as appropriate, for prison inmates, depending on the length of the sentence;

''(ii) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal, tribal, or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services, including assistance identifying and securing suitable housing; or

''(iii) delivery of continuous and appropriate mental health services, drug treatment, medical care, job training and placement, educational services, vocational services, and any other service or support needed for reentry;

''(D) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

''(E) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs;

''(F) target moderate and high-risk offenders for reentry programs through validated assessment tools; or

''(G) target offenders with histories of homelessness, substance abuse, or mental illness, including a prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support service.

''(4) PERIOD OF GRANT.—A grant made under this subsection shall be effective for a 2-year period—

''(A) beginning on the date on which the planning grant awarded under subsection (e) concludes; or

''(B) in the case of an implementation grant awarded to an eligible entity that did not receive a planning grant, beginning on the date on which the implementation grant is awarded.'';

(4) in subsection (h)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—As a condition of receiving financial assistance under subsection (f), each application shall develop a comprehensive reentry strategic plan that—

''(A) contains a plan to assess inmate reentry needs and measurable annual and 3-year performance outcomes;

''(B) uses, to the maximum extent possible, randomly assigned and controlled studies, or rigorous quasi-experimental studies with matched comparison groups, to determine the effectiveness of the program funded with a grant under subsection (f); and

''(C) includes as a goal of the plan to reduce the rate of recidivism for offenders released from prison, jail or a juvenile facility with funds made available under subsection (f).

''(2) LOCAL EVALUATOR.—A partnership with a local evaluator described in subsection (d)(2) shall require the local evaluator to use the baseline data and target population characteristics developed under a subsection (e) planning grant to derive a target goal for recidivism reduction during the 3-year period beginning on the date of implementation of the program.'';

(5) in subsection (i)(1)—

(A) in the matter preceding subparagraph (A), by striking ''under this section'' and inserting ''under subsection (f)''; and

(B) in subparagraph (B), by striking ''subsection (e)(4)'' and inserting ''subsection (f)(2)(D)'';

(6) in subsection (j)—

(A) in paragraph (1), by inserting ''for an implementation grant under subsection (f)'' after ''applicant'';

(B) in paragraph (2)—

(i) in subparagraph (E), by inserting '', where appropriate'' after ''support''; and

(ii) by striking subparagraphs (F), (G), and (H), and inserting the following:

''(F) increased number of staff trained to administer reentry services;

''(G) increased proportion of individuals served by the program among those eligible to receive services;

''(H) increased number of individuals receiving risk screening needs assessment, and case planning services;

''(I) increased enrollment in, and completion of treatment services, including substance abuse and mental health services among those assessed as needing such services;

''(J) increased enrollment in and degrees earned from educational programs, including high school, GED, vocational training, and college education;

''(K) increased number of individuals obtaining and retaining employment;

''(L) increased number of individuals obtaining and maintaining housing;

''(M) increased self-reports of successful community living, including stability of living situation and positive family relationships;

''(N) reduction in drug and alcohol use; and

''(O) reduction in recidivism rates for individuals receiving reentry services after release, as compared to either baseline recidivism rates in the jurisdiction of the grantee or recidivism rates of the control or comparison group.'';

(C) in paragraph (3), by striking ''facilities.'' and inserting ''facilities, including a cost-benefit analysis to determine the cost effectiveness of the reentry program.'';

(D) in paragraph (4), by striking ''this section'' and inserting ''subsection (f)''; and

(E) in paragraph (5), by striking ''this section'' and inserting ''subsection (f)'';

(7) in subsection (k)(1), by striking ''this section'' each place the term appears and inserting ''subsection (f)'';

(8) in subsection (l)—

(A) in paragraph (2), by inserting ''beginning on the date on which the most recent implementation grant is made to the grantee under subsection (f)'' after ''2-year period''; and

(B) in paragraph (4), by striking ''over a 2-year period'' and inserting ''during the 2-year period described in paragraph (2)'';

(9) in subsection (o)(1), by striking ''appropriated'' and all that follows and inserting the following: ''appropriated $35,000,000 for each of fiscal years 2019 through 2023.''; and

(10) by adding at the end the following:

''(p) DEFINITION.—In this section, the term 'reentry court' means a program that—

''(1) monitors juvenile and adult eligible offenders reentering the community;

''(2) provides continual judicial supervision;

''(3) provides juvenile and adult eligible offenders reentering the community with coordinated and comprehensive reentry services and programs, such as—

''(A) drug and alcohol testing and assessment for treatment;

''(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

''(C) substance abuse treatment, including medication-assisted treatment, from a provider that is approved by the State or Indian tribe, and licensed, if necessary, to provide medical and other health services;

''(D) health (including mental health) services and assessment;

''(E) aftercare and case management services that—

''(i) facilitate access to clinical care and related health services; and

''(ii) coordinate with such clinical care and related health services; and

''(F) any other services needed for reentry;

''(4) convenes community impact panels, victim impact panels, or victim impact educational classes;

''(5) provides and coordinates the delivery of community services to juvenile and adult eligible offenders, including—

''(A) housing assistance;

''(B) education;

''(C) job training;

''(D) conflict resolution skills training;

''(E) batterer intervention programs; and

''(F) other appropriate social services; and

''(6) establishes and implements graduated sanctions and incentives.''.

(b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT.—Part DD of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10591 et seq.) is amended—

(1) in section 2921 (34 U.S.C. 10591), in the matter preceding paragraph (1), by inserting ''nonprofit organizations,'' before ''and Indian'';

(2) in section 2923 (34 U.S.C. 10593), by adding at the end the following:

''(c) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority consideration to grant applications for grants under section 2921 that are submitted by a nonprofit organization that demonstrates a relationship with State and local criminal justice agencies, including—

''(1) within the judiciary and prosecutorial agencies; or

''(2) with the local corrections agencies, which shall be documented by a written agreement that details the terms of access to facilities and participants and provides information on the history of the organization of working with correctional populations.''; and

(3) by striking section 2926(a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2019 through 2023.''.

(c) GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the second part designated as part JJ, as added by the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 677), relating to grants to evaluate and improve educational methods at prisons, jails, and juvenile facilities;

(2) by adding at the end the following:

''PART NN—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

''SEC. 3041. GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

''(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities;

''(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1);

''(3) improve the academic and vocational education programs (including technology career training) available to offenders in prisons, jails, and juvenile facilities; and

''(4) implement methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities consistent with the best practices identified in subsection (c).

''(b) APPLICATION.—To be eligible for a grant under this part, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

''(c) BEST PRACTICES.—Not later than 180 days after the date of enactment of the Second Chance Reauthorization Act of 2018, the Attorney General shall identify and publish best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities. The best practices shall consider the evaluations performed and recommendations made under grants made under subsection (a) before the date of enactment of the Second Chance Reauthorization Act of 2018.

''(d) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this part, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this part.''; and

(3) in section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)), by adding at the end the following:

''(28) There are authorized to be appropriated to carry out section 3031(a)(4) of part NN $5,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.''.

(d) CAREERS TRAINING DEMONSTRATION GRANTS.—Section 115 of the Second Chance Act of 2007 (34 U.S.C. 60511) is amended—

(1) in the heading, by striking ''**TECHNOLOGY CAREERS**'' and inserting ''**CAREERS**'';

(2) in subsection (a)—

(A) by striking ''and Indian'' and inserting ''nonprofit organizations, and Indian''; and

(B) by striking ''technology career training to prisoners'' and inserting ''career training, including subsidized employment, when part of a training program, to prisoners and reentering youth and adults'';

(3) in subsection (b)—

(A) by striking ''technology careers training'';

(B) by striking ''technology-based''; and

(C) by inserting '', as well as upon transition and reentry into the community'' after ''facility'';

(4) by striking subsection (e);

(5) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(6) by inserting after subsection (b) the following:

''(c) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

''(1) provides assessment of local demand for employees in the geographic areas to which offenders are likely to return;

''(2) conducts individualized reentry career planning upon the start of incarceration or post-release employment planning for each offender served under the grant;

''(3) demonstrates connections to employers within the local community; or

''(4) tracks and monitors employment outcomes.''; and

(7) by adding at the end the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.''.

(e) OFFENDER REENTRY SUBSTANCE ABUSE AND CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section 201(f)(1) of the Second Chance Act of 2007 (34 U.S.C. 60521(f)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2019 through 2023.''.

(f) COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Section 211 of the Second Chance Act of 2007 (34 U.S.C. 60531) is amended—

(A) in the header, by striking ''**MENTORING GRANTS TO NONPROFIT ORGANIZATIONS**'' and inserting ''**COMMUNITY-BASED MENTORING AND TRANSITIONAL SERVICE GRANTS TO NONPROFIT ORGANIZATIONS**'';

(B) in subsection (a), by striking ''mentoring and other'';

(C) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) transitional services to assist in the reintegration of offenders into the community, including—

''(A) educational, literacy, and vocational, services and the Transitional Jobs strategy;

''(B) substance abuse treatment and services;

''(C) coordinated supervision and services for offenders, including physical health care

and comprehensive housing and mental health care;

''(D) family services; and

''(E) validated assessment tools to assess the risk factors of returning inmates; and''; and

(D) in subsection (f), by striking ''this section'' and all that follows and inserting the following: ''this section $15,000,000 for each of fiscal years 2019 through 2023.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 211 and inserting the following:

''Sec. 211. Community-based mentoring and transitional service grants.''.

(g) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Second Chance Act of 2007 (34 U.S.C. 60502) is amended to read as follows:

''SEC. 4. DEFINITIONS.

''In this Act—

''(1) the term 'exoneree' means an individual who—

''(A) has been convicted of a Federal, tribal, or State offense that is punishable by a term of imprisonment of more than 1 year;

''(B) has served a term of imprisonment for not less than 6 months in a Federal, tribal, or State prison or correctional facility as a result of the conviction described in subparagraph (A); and

''(C) has been determined to be factually innocent of the offense described in subparagraph (A);

''(2) the term 'Indian tribe' has the meaning given in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251);

''(3) the term 'offender' includes an exoneree; and

''(4) the term 'Transitional Jobs strategy' means an employment strategy for youth and adults who are chronically unemployed or those that have barriers to employment that—

''(A) is conducted by State, tribal, and local governments, State, tribal, and local workforce boards, and nonprofit organizations;

''(B) provides time-limited employment using individual placements, team placements, and social enterprise placements, without displacing existing employees;

''(C) pays wages in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, which are subsidized, in whole or in part, by public funds;

''(D) combines time-limited employment with activities that promote skill development, remove barriers to employment, and lead to unsubsidized employment such as a thorough orientation and individual assessment, job readiness and life skills training, case management and supportive services, adult education and training, child support-related services, job retention support and incentives, and other similar activities;

''(E) places participants into unsubsidized employment; and

''(F) provides job retention, re-employment services, and continuing and vocational education to ensure continuing participation in unsubsidized employment and identification of opportunities for advancement.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 657) is amended by striking the item relating to section 4 and inserting the following:

''Sec. 4. Definitions.''.

(h) EXTENSION OF THE LENGTH OF SECTION 2976 GRANTS.—Section 6(1) of the Second Chance Act of 2007 (34 U.S.C. 60504(1)) is amended by inserting ''or under section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631)'' after ''and 212''.

SEC. 503. AUDIT AND ACCOUNTABILITY OF GRANTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''covered grant program'' means grants awarded under section 115, 201, or 211 of the Second Chance Act of 2007 (34 U.S.C. 60511, 60521, and 60531), as amended by this title;

(2) the term ''covered grantee'' means a recipient of a grant from a covered grant program;

(3) the term ''nonprofit'', when used with respect to an organization, means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code; and

(4) the term ''unresolved audit finding'' means an audit report finding in a final audit report of the Inspector General of the Department of Justice that a covered grantee has used grant funds awarded to that grantee under a covered grant program for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during a 12-month period prior to the date on which the final audit report is issued.

(b) AUDIT REQUIREMENT.—Beginning in fiscal year 2019, and annually thereafter, the Inspector General of the Department of Justice shall conduct audits of covered grantees to prevent waste, fraud, and abuse of funds awarded under covered grant programs. The Inspector General shall determine the appropriate number of covered grantees to be audited each year.

(c) MANDATORY EXCLUSION.—A grantee that is found to have an unresolved audit finding under an audit conducted under subsection (b) may not receive grant funds under a covered grant program in the fiscal year following the fiscal year to which the finding relates.

(d) REIMBURSEMENT.—If a covered grantee is awarded funds under the covered grant program from which it received a grant award during the 1-fiscal-year period during which the covered grantee is ineligible for an allocation of grant funds under subsection (c), the Attorney General shall—

(1) deposit into the General Fund of the Treasury an amount that is equal to the amount of the grant funds that were improperly awarded to the covered grantee; and

(2) seek to recoup the costs of the repayment to the Fund from the covered grantee that was improperly awarded the grant funds.

(e) PRIORITY OF GRANT AWARDS.—The Attorney General, in awarding grants under a covered grant program shall give priority to eligible entities that during the 2-year period preceding the application for a grant have not been found to have an unresolved audit finding.

(f) NONPROFIT REQUIREMENTS.—

(1) PROHIBITION.—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax described in section 511(a) of the Internal Revenue Code of 1986, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.

(2) DISCLOSURE.—Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied on to determine such compensation.

(g) PROHIBITION ON LOBBYING ACTIVITY.—

(1) IN GENERAL.—Amounts made available under a covered grant program may not be used by any covered grantee to—

(A) lobby any representative of the Department of Justice regarding the award of grant funding; or

(B) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(2) PENALTY.—If the Attorney General determines that a covered grantee has violated paragraph (1), the Attorney General shall—

(A) require the covered grantee to repay the grant in full; and

(B) prohibit the covered grantee from receiving a grant under the covered grant program from which it received a grant award during at least the 5-year period beginning on the date of such violation.

SEC. 504. FEDERAL REENTRY IMPROVEMENTS.

(a) RESPONSIBLE REINTEGRATION OF OFFENDERS.—Section 212 of the Second Chance Act of 2007 (34 U.S.C. 60532) is repealed.

(b) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (434 U.S.C. 60541) is amended—

(1) in subsection (g)—

(A) in paragraph (3), by striking ''carried out during fiscal years 2009 and 2010'' and inserting ''carried out during fiscal years 2019 through 2023''; and

(B) in paragraph (5)(A)(ii), by striking ''the greater of 10 years or'';

(2) by striking subsection (h);

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h), as so redesignated, by striking ''2009 and 2010'' and inserting ''2019 through 2023''.

(c) ENHANCING REPORTING REQUIREMENTS PERTAINING TO COMMUNITY CORRECTIONS.—Section 3624(c) of title 18, United States Code, is amended—

(1) in paragraph (5), in the second sentence, by inserting '', and number of prisoners not being placed in community corrections facilities for each reason set forth'' before '', and any other information''; and

(2) in paragraph (6), by striking ''the Second Chance Act of 2007'' and inserting ''the Second Chance Reauthorization Act of 2018''.

(d) TERMINATION OF STUDY ON EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.—Section 244 of the Second Chance Act of 2007 (34 U.S.C. 60554) is repealed.

(e) AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH.—Section 245 of the Second Chance Act of 2007 (34 U.S.C. 60555) is amended—

(1) by striking ''243, and 244'' and inserting ''and 243''; and

(2) by striking ''$10,000,000 for each of the fiscal years 2009 and 2010'' and inserting ''$5,000,000 for each of the fiscal years 2019, 2020, 2021, 2022, and 2023''.

(f) FEDERAL PRISONER RECIDIVISM REDUCTION PROGRAMMING ENHANCEMENT.—

(1) IN GENERAL.—Section 3621 of title 18, United States Code, as amended by section 102(a) of this Act, is amended—

(A) by redesignating subsection (g) as subsection (i); and

(B) by inserting after subsection (f) the following:

''(g) PARTNERSHIPS TO EXPAND ACCESS TO REENTRY PROGRAMS PROVEN TO REDUCE RECIDIVISM.—

''(1) DEFINITION.—The term 'demonstrated to reduce recidivism' means that the Director of Bureau of Prisons has determined that appropriate research has been conducted and has validated the effectiveness of the type of program on recidivism.

''(2) ELIGIBILITY FOR RECIDIVISM REDUCTION PARTNERSHIP.—A faith-based or community-

based nonprofit organization that provides mentoring or other programs that have been demonstrated to reduce recidivism is eligible to enter into a recidivism reduction partnership with a prison or community-based facility operated by the Bureau of Prisons.

''(3) RECIDIVISM REDUCTION PARTNERSHIPS.—The Director of the Bureau of Prisons shall develop policies to require wardens of prisons and community-based facilities to enter into recidivism reduction partnerships with faith-based and community-based nonprofit organizations that are willing to provide, on a volunteer basis, programs described in paragraph (2).

''(4) REPORTING REQUIREMENT.—The Director of the Bureau of Prisons shall submit to Congress an annual report on the last day of each fiscal year that—

''(A) details, for each prison and community-based facility for the fiscal year just ended—

''(i) the number of recidivism reduction partnerships under this section that were in effect;

''(ii) the number of volunteers that provided recidivism reduction programming; and

''(iii) the number of recidivism reduction programming hours provided; and

''(B) explains any disparities between facilities in the numbers reported under subparagraph (A).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 180 days after the date of enactment of this Act.

(g) REPEALS.—

(1) Section 2978 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10633) is repealed.

(2) Part CC of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10581 et seq.) is repealed.

SEC. 505. FEDERAL INTERAGENCY REENTRY COORDINATION.

(a) REENTRY COORDINATION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other agencies of the Federal Government as the Attorney General considers appropriate, and in collaboration with interested persons, service providers, nonprofit organizations, and State, tribal, and local governments, shall coordinate on Federal programs, policies, and activities relating to the reentry of individuals returning from incarceration to the community, with an emphasis on evidence-based practices and protection against duplication of services.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General, in consultation with the Secretaries listed in subsection (a), shall submit to Congress a report summarizing the achievements under subsection (a), and including recommendations for Congress that would further reduce barriers to successful reentry.

SEC. 506. CONFERENCE EXPENDITURES.

(a) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this title, or any amendments made by this title, may be used by the Attorney General, or by any individual or organization awarded discretionary funds under this title, or any amendments made by this title, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference. A conference that uses more than $20,000 in such funds, but less than an average of $500 in such funds for each attendee of the conference, shall not be subject to the limitations of this section.

(b) WRITTEN APPROVAL.—Written approval under subsection (a) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(c) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this section.

SEC. 507. EVALUATION OF THE SECOND CHANCE ACT PROGRAM.

(a) EVALUATION OF THE SECOND CHANCE ACT GRANT PROGRAM.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall evaluate the effectiveness of grants used by the Department of Justice to support offender reentry and recidivism reduction programs at the State, local, Tribal, and Federal levels. The National Institute of Justice shall evaluate the following:

(1) The effectiveness of such programs in relation to their cost, including the extent to which the programs improve reentry outcomes, including employment, education, housing, reductions in recidivism, of participants in comparison to comparably situated individuals who did not participate in such programs and activities.

(2) The effectiveness of program structures and mechanisms for delivery of services.

(3) The impact of such programs on the communities and participants involved.

(4) The impact of such programs on related programs and activities.

(5) The extent to which such programs meet the needs of various demographic groups.

(6) The quality and effectiveness of technical assistance provided by the Department of Justice to grantees for implementing such programs.

(7) Such other factors as may be appropriate.

(b) AUTHORIZATION OF FUNDS FOR EVALUATION.—Not more than 1 percent of any amounts authorized to be appropriated to carry out the Second Chance Act grant program shall be made available to the National Institute of Justice each year to evaluate the processes, implementation, outcomes, costs, and effectiveness of the Second Chance Act grant program in improving reentry and reducing recidivism. Such funding may be used to provide support to grantees for supplemental data collection, analysis, and coordination associated with evaluation activities.

(c) TECHNIQUES.—Evaluations conducted under this section shall use appropriate methodology and research designs. Impact evaluations conducted under this section shall include the use of intervention and control groups chosen by random assignment methods, to the extent possible.

(d) METRICS AND OUTCOMES FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Institute of Justice shall consult with relevant stakeholders and identify outcome measures, including employment, housing, education, and public safety, that are to be achieved by programs authorized under the Second Chance Act grant program and the metrics by which the achievement of such outcomes shall be determined.

(2) PUBLICATION.—Not later than 30 days after the date on which the National Institute of Justice identifies metrics and outcomes under paragraph (1), the Attorney General shall publish such metrics and outcomes identified.

(e) DATA COLLECTION.—As a condition of award under the Second Chance Act grant program (including a subaward under section 3021(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701(b))), grantees shall be required to collect and report to the Department of Justice data based upon the metrics identified under subsection (d). In accordance with applicable law, collection of individual-level data under a pledge of confidentiality shall be protected by the National Institute of Justice in accordance with such pledge.

(f) DATA ACCESSIBILITY.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall—

(1) make data collected during the course of evaluation under this section available in de-identified form in such a manner that reasonably protects a pledge of confidentiality to participants under subsection (e); and

(2) make identifiable data collected during the course of evaluation under this section available to qualified researchers for future research and evaluation, in accordance with applicable law.

(g) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The National Institute of Justice shall—

(1) not later than 365 days after the date on which the enrollment of participants in an impact evaluation is completed, publish an interim report on such evaluation;

(2) not later than 90 days after the date on which any evaluation is completed, publish and make publicly available such evaluation; and

(3) not later than 60 days after the completion date described in paragraph (2), submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on such evaluation.

(h) SECOND CHANCE ACT GRANT PROGRAM DEFINED.—In this section, the term ''Second Chance Act grant program'' means any grant program reauthorized under this title and the amendments made by this title.

SEC. 508. GAO REVIEW.

Not later than 3 years after the date of enactment of the First Step Act of 2018 the Comptroller General of the United States shall conduct a review of all of the grant awards made under this title and amendments made by this title that includes—

(1) an evaluation of the effectiveness of the reentry programs funded by grant awards under this title and amendments made by this title at reducing recidivism, including a determination of which reentry programs were most effective;

(2) recommendations on how to improve the effectiveness of reentry programs, including those for which prisoners may earn time credits under the First Step Act of 2018; and

(3) an evaluation of the effectiveness of mental health services, drug treatment, medical care, job training and placement, educational services, and vocational services programs funded under this title and amendments made by this title.

TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.

Section 3621(b) of title 18, United States Code, is amended—

(1) by striking ''shall designate the place of the prisoner's imprisonment.'' and inserting ''shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the

prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence.''; and

(2) by adding at the end the following: ''Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court.''.

SEC. 602. HOME CONFINEMENT FOR LOW-RISK PRISONERS.

Section 3624(c)(2) of title 18, United States Code, is amended by adding at the end the following: ''The Bureau of Prisons shall, to the extent practicable, place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted under this paragraph.''.

SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION; MODIFICATION OF IMPOSED TERM OF IMPRISONMENT.

(a) FEDERAL PRISONER REENTRY INITIATIVE REAUTHORIZATION.—Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''and eligible terminally ill offenders'' after ''elderly offenders'' each place the term appears;

(B) in subparagraph (A), by striking ''a Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(C) in subparagraph (B)—

(i) by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(ii) by inserting '', upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender'' after ''to home detention''; and

(D) in subparagraph (C), by striking ''the Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities'';

(2) in paragraph (2), by inserting ''or eligible terminally ill offender'' after ''elderly offender'';

(3) in paragraph (3), as amended by section 504(b)(1)(A) of this Act, by striking ''at least one Bureau of Prisons facility'' and inserting ''Bureau of Prisons facilities''; and

(4) in paragraph (4)—

(A) by inserting ''or eligible terminally ill offender'' after ''each eligible elderly offender''; and

(B) by inserting ''and eligible terminally ill offenders'' after ''eligible elderly offenders''; and

(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i), striking ''65 years of age'' and inserting ''60 years of age''; and

(ii) in clause (ii), as amended by section 504(b)(1)(B) of this Act, by striking ''75 percent'' and inserting ''⅔''; and

(B) by adding at the end the following:

''(D) ELIGIBLE TERMINALLY ILL OFFENDER.—The term 'eligible terminally ill offender' means an offender in the custody of the Bureau of Prisons who—

''(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code;

''(ii) satisfies the criteria specified in clauses (iii) through (vii) of subparagraph (A); and

''(iii) has been determined by a medical doctor approved by the Bureau of Prisons to be—

''(I) in need of care at a nursing home, intermediate care facility, or assisted living facility, as those terms are defined in section 232 of the National Housing Act (12 U.S.C. 1715w); or

''(II) diagnosed with a terminal illness.''.

(b) INCREASING THE USE AND TRANSPARENCY OF COMPASSIONATE RELEASE.—Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A), in the matter preceding clause (i), by inserting after ''Bureau of Prisons,'' the following: ''or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier,'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) NOTIFICATION REQUIREMENTS.—

''(1) TERMINAL ILLNESS DEFINED.—In this subsection, the term 'terminal illness' means a disease or condition with an end-of-life trajectory.

''(2) NOTIFICATION.—The Bureau of Prisons shall, subject to any applicable confidentiality requirements—

''(A) in the case of a defendant diagnosed with a terminal illness—

''(i) not later than 72 hours after the diagnosis notify the defendant's attorney, partner, and family members of the defendant's condition and inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) not later than 7 days after the date of the diagnosis, provide the defendant's partner and family members (including extended family) with an opportunity to visit the defendant in person;

''(iii) upon request from the defendant or his attorney, partner, or a family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(iv) not later than 14 days of receipt of a request for a sentence reduction submitted on the defendant's behalf by the defendant or the defendant's attorney, partner, or family member, process the request;

''(B) in the case of a defendant who is physically or mentally unable to submit a request for a sentence reduction pursuant to subsection (c)(1)(A)—

''(i) inform the defendant's attorney, partner, and family members that they may prepare and submit on the defendant's behalf a request for a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) accept and process a request for sentence reduction that has been prepared and submitted on the defendant's behalf by the defendant's attorney, partner, or family member under clause (i); and

''(iii) upon request from the defendant or his attorney, partner, or family member, ensure that Bureau of Prisons employees assist the defendant in the preparation, drafting, and submission of a request for a sentence reduction pursuant to subsection (c)(1)(A); and

''(C) ensure that all Bureau of Prisons facilities regularly and visibly post, including in prisoner handbooks, staff training materials, and facility law libraries and medical and hospice facilities, and make available to prisoners upon demand, notice of—

''(i) a defendant's ability to request a sentence reduction pursuant to subsection (c)(1)(A);

''(ii) the procedures and timelines for initiating and resolving requests described in clause (i); and

''(iii) the right to appeal a denial of a request described in clause (i) after all administrative rights to appeal within the Bureau of Prisons have been exhausted.

''(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, and once every year thereafter, the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on requests for sentence reductions pursuant to subsection (c)(1)(A), which shall include a description of, for the previous year—

''(A) the number of prisoners granted and denied sentence reductions, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(B) the number of requests initiated by or on behalf of prisoners, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(C) the number of requests that Bureau of Prisons employees assisted prisoners in drafting, preparing, or submitting, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(D) the number of requests that attorneys, partners, or family members submitted on a defendant's behalf, categorized by the criteria relied on as the grounds for a reduction in sentence, and the final decision made in each request;

''(E) the number of requests approved by the Director of the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(F) the number of requests denied by the Director of the Bureau of Prisons and the reasons given for each denial, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(G) for each request, the time elapsed between the date the request was received by the warden and the final decision, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(H) for each request, the number of prisoners who died while their request was pending and, for each, the amount of time that had elapsed between the date the request was received by the Bureau of Prisons, categorized by the criteria relied on as the grounds for a reduction in sentence;

''(I) the number of Bureau of Prisons notifications to attorneys, partners, and family members of their right to visit a terminally ill defendant as required under paragraph (2)(A)(ii) and, for each, whether a visit occurred and how much time elapsed between the notification and the visit;

''(J) the number of visits to terminally ill prisoners that were denied by the Bureau of Prisons due to security or other concerns, and the reasons given for each denial; and

''(K) the number of motions filed by defendants with the court after all administrative rights to appeal a denial of a sentence reduction had been exhausted, the outcome of each motion, and the time that had elapsed between the date the request was first received by the Bureau of Prisons and

the date the defendant filed the motion with the court.''.

SEC. 604. IDENTIFICATION FOR RETURNING CITIZENS.

(a) IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.—Section 231(b) of the Second Chance Act of 2007 (34 U.S.C. 60541(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''(including'' and inserting ''prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including''; and

(B) by striking ''or birth certificate) prior to release'' and inserting ''and a birth certificate''; and

(2) by adding at the end the following:

''(4) DEFINITION.—In this subsection, the term 'community confinement' means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility.''.

(b) DUTIES OF THE BUREAU OF PRISONS.—Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (D) and (E) as paragraphs (6) and (7), respectively;

(2) in paragraph (6) (as so redesignated)—

(A) in clause (i)—

(i) by striking ''Social Security Cards,''; and

(ii) by striking ''and'' at the end;

(B) by redesignating clause (ii) as clause (iii);

(C) by inserting after clause (i) the following:

''(ii) obtain identification, including a social security card, driver's license or other official photo identification, and a birth certificate; and'';

(D) in clause (iii) (as so redesignated), by inserting after ''prior to release'' the following: ''from a sentence to a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term of community confinement''; and

(E) by redesignating clauses (i), (ii), and (iii) (as so amended) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly; and

(3) in paragraph (7) (as so redesignated), by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively, and adjusting the margins accordingly.

SEC. 605. EXPANDING INMATE EMPLOYMENT THROUGH FEDERAL PRISON INDUSTRIES.

(a) NEW MARKET AUTHORIZATIONS.—Chapter 307 of title 18, United States Code, is amended by inserting after section 4129 the following:

''§ 4130. Additional markets

''(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, Federal Prison Industries may sell products to—

''(1) public entities for use in penal or correctional institutions;

''(2) public entities for use in disaster relief or emergency response;

''(3) the government of the District of Columbia; and

''(4) any organization described in subsection (c)(3), (c)(4), or (d) of section 501 of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.

''(b) OFFICE FURNITURE.—Federal Prison Industries may not sell office furniture to the organizations described in subsection (a)(4).

''(c) DEFINITIONS.—In this section:

''(1) The term 'office furniture' means any product or service offering intended to meet the furnishing needs of the workplace, including office, healthcare, educational, and hospitality environments.

''(2) The term 'public entity' means a State, a subdivision of a State, an Indian tribe, and an agency or governmental corporation or business of any of the foregoing.

''(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by inserting after the item relating to section 4129 the following:

''4130. Additional markets.''.

(c) DEFERRED COMPENSATION.—Section 4126(c)(4) of title 18, United States Code, is amended by inserting after ''operations,'' the following: ''not less than 15 percent of such compensation for any inmate shall be reserved in the fund or a separate account and made available to assist the inmate with costs associated with release from prison,''.

(d) GAO REPORT.—Beginning not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of Federal Prison Industries that includes the following:

(1) An evaluation of Federal Prison Industries's effectiveness in reducing recidivism compared to other rehabilitative programs in the prison system.

(2) An evaluation of the scope and size of the additional markets made available to Federal Prison Industries under this section and the total market value that would be opened up to Federal Prison Industries for competition with private sector providers of products and services.

(3) An evaluation of whether the following factors create an unfair competitive environment between Federal Prison Industries and private sector providers of products and services which would be exacerbated by further expansion:

(A) Federal Prison Industries's status as a mandatory source of supply for Federal agencies and the requirement that the buying agency must obtain a waiver in order to make a competitive purchase from the private sector if the item to be acquired is listed on the schedule of products and services published by Federal Prison Industries.

(B) Federal Prison Industries's ability to determine that the price to be paid by Federal Agencies is fair and reasonable, rather than such a determination being made by the buying agency.

(C) An examination of the extent to which Federal Prison Industries is bound by the requirements of the generally applicable Federal Acquisition Regulation pertaining to the conformity of the delivered product with the specified design and performance specifications and adherence to the delivery schedule required by the Federal agency, based on the transactions being categorized as interagency transfers.

(D) An examination of the extent to which Federal Prison Industries avoids transactions that are little more than pass through transactions where the work provided by inmates does not create meaningful value or meaningful work opportunities for inmates.

(E) The extent to which Federal Prison Industries must comply with the same worker protection, workplace safety and similar regulations applicable to, and enforceable against, Federal contractors.

(F) The wages Federal Prison Industries pays to inmates, taking into account inmate productivity and other factors such as security concerns associated with having a facility in a prison.

(G) The effect of any additional cost advantages Federal Prison Industries has over private sector providers of goods and services, including—

(i) the costs absorbed by the Bureau of Prisons such as inmate medical care and infrastructure expenses including real estate and utilities; and

(ii) its exemption from Federal and State income taxes and property taxes.

(4) An evaluation of the extent to which the customers of Federal Prison Industries are satisfied with quality, price, and timely delivery of the products and services provided it provides, including summaries of other independent assessments such as reports of agency inspectors general, if applicable.

SEC. 606. DE-ESCALATION TRAINING.

Beginning not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Prisons shall incorporate into training programs provided to officers and employees of the Bureau of Prisons (including officers and employees of an organization with which the Bureau of Prisons has a contract to provide services relating to imprisonment) specialized and comprehensive training in procedures to—

(1) de-escalate encounters between a law enforcement officer or an officer or employee of the Bureau of Prisons, and a civilian or a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act); and

(2) identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.

SEC. 607. EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.

(a) REPORT ON EVIDENCE-BASED TREATMENT FOR OPIOID AND HEROIN ABUSE.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and the capacity of the Bureau of Prisons to treat heroin and opioid abuse through evidence-based programs, including medication-assisted treatment where appropriate. In preparing the report, the Director shall consider medication-assisted treatment as a strategy to assist in treatment where appropriate and not as a replacement for holistic and other drug-free approaches. The report shall include a description of plans to expand access to evidence-based treatment for heroin and opioid abuse for prisoners, including access to medication-assisted treatment in appropriate cases. Following submission, the Director shall take steps to implement these plans.

(b) REPORT ON THE AVAILABILITY OF MEDICATION-ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE, AND IMPLEMENTATION THEREOF.—Not later than 120 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and of the House of Representatives a report assessing the availability of and capacity for the provision of medication-assisted treatment for opioid and heroin abuse by treatment service providers serving prisoners who are serving a term of supervised release, and including a description of plans to expand access to medication-assisted treatment for heroin and opioid

abuse whenever appropriate among prisoners under supervised release. Following submission, the Director will take steps to implement these plans.

SEC. 608. PILOT PROGRAMS.

(a) IN GENERAL.—The Bureau of Prisons shall establish each of the following pilot programs for 5 years, in at least 20 facilities:

(1) MENTORSHIP FOR YOUTH.—A program to pair youth with volunteers from faith-based or community organizations, which may include formerly incarcerated offenders, that have relevant experience or expertise in mentoring, and a willingness to serve as a mentor in such a capacity.

(2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE ANIMALS.—A program to equip prisoners with the skills to provide training and therapy to animals seized by Federal law enforcement under asset forfeiture authority and to organizations that provide shelter and similar services to abandoned, rescued, or otherwise vulnerable animals.

(b) REPORTING REQUIREMENT.—Not later than 1 year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the pilot programs under this section. Such report shall include cost savings, numbers of participants, and information about recidivism rates among participants.

(c) DEFINITION.—In this title, the term ''youth'' means a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.

SEC. 609. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended in paragraph (8)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended in paragraph (12)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

SEC. 610. DATA COLLECTION.

(a) NATIONAL PRISONER STATISTICS PROGRAM.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), the Director of the Bureau of Justice Statistics, with information that shall be provided by the Director of the Bureau of Prisons, shall include in the National Prisoner Statistics Program the following:

(1) The number of prisoners (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who are veterans of the Armed Forces of the United States.

(2) The number of prisoners who have been placed in solitary confinement at any time during the previous year.

(3) The number of female prisoners known by the Bureau of Prisons to be pregnant, as well as the outcomes of such pregnancies, including information on pregnancies that result in live birth, stillbirth, miscarriage, abortion, ectopic pregnancy, maternal death, neonatal death, and preterm birth.

(4) The number of prisoners who volunteered to participate in a substance abuse treatment program, and the number of prisoners who have participated in such a program.

(5) The number of prisoners provided medication-assisted treatment with medication approved by the Food and Drug Administration while in custody in order to treat substance use disorder.

(6) The number of prisoners who were receiving medication-assisted treatment with medication approved by the Food and Drug Administration prior to the commencement of their term of imprisonment.

(7) The number of prisoners who are the parent or guardian of a minor child.

(8) The number of prisoners who are single, married, or otherwise in a committed relationship.

(9) The number of prisoners who have not achieved a GED, high school diploma, or equivalent prior to entering prison.

(10) The number of prisoners who, during the previous year, received their GED or other equivalent certificate while incarcerated.

(11) The numbers of prisoners for whom English is a second language.

(12) The number of incidents, during the previous year, in which restraints were used on a female prisoner during pregnancy, labor, or postpartum recovery, as well as information relating to the type of restraints used, and the circumstances under which each incident occurred.

(13) The vacancy rate for medical and healthcare staff positions, and average length of such a vacancy.

(14) The number of facilities that operated, at any time during the previous year, without at least 1 clinical nurse, certified paramedic, or licensed physician on site.

(15) The number of facilities that during the previous year were accredited by the American Correctional Association.

(16) The number and type of recidivism reduction partnerships described in section 3621(h)(5) of title 18, United States Code, as added by section 102(a) of this Act, entered into by each facility.

(17) The number of facilities with remote learning capabilities.

(18) The number of facilities that offer prisoners video conferencing.

(19) Any changes in costs related to legal phone calls and visits following implementation of section 3632(d)(1) of title 18, United States Code, as added by section 101(a) of this Act.

(20) The number of aliens in prison during the previous year.

(21) For each Bureau of Prisons facility, the total number of violations that resulted in reductions in rewards, incentives, or time credits, the number of such violations for each category of violation, and the demographic breakdown of the prisoners who have received such reductions.

(22) The number of assaults on Bureau of Prisons staff by prisoners and the number of criminal prosecutions of prisoners for assaulting Bureau of Prisons staff.

(23) The capacity of each recidivism reduction program and productive activity to accommodate eligible inmates at each Bureau of Prisons facility.

(24) The number of volunteers who were certified to volunteer in a Bureau of Prisons facility, broken down by level (level I and level II), and by each Bureau of Prisons facility.

(25) The number of prisoners enrolled in recidivism reduction programs and productive activities at each Bureau of Prisons facility, broken down by risk level and by program, and the number of those enrolled prisoners who successfully completed each program.

(26) The breakdown of prisoners classified at each risk level by demographic characteristics, including age, sex, race, and the length of the sentence imposed.

(b) REPORT TO JUDICIARY COMMITTEES.—Beginning not later than 1 year after the date of enactment of this Act, and annually thereafter for a period of 7 years, the Director of the Bureau of Justice Statistics shall submit a report containing the information described in paragraphs (1) through (26) of subsection (a) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 611. HEALTHCARE PRODUCTS.

(a) AVAILABILITY.—The Director of the Bureau of Prisons shall make the healthcare products described in subsection (c) available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.

(b) QUALITY PRODUCTS.—The Director shall ensure that the healthcare products provided under this section conform with applicable industry standards.

(c) PRODUCTS.—The healthcare products described in this subsection are tampons and sanitary napkins.

SEC. 612. ADULT AND JUVENILE COLLABORATION PROGRAMS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651) is amended—

(1) in subsection (b)(4)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D);

(2) in subsection (e), by striking ''may use up to 3 percent'' and inserting ''shall use not less than 6 percent''; and

(3) by amending subsection (g) to read as follows:

''(g) COLLABORATION SET-ASIDE.—The Attorney General shall use not less than 8 percent of funds appropriated to provide technical assistance to State and local governments receiving grants under this part to foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).''.

SEC. 613. JUVENILE SOLITARY CONFINEMENT.

(a) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''§ 5043. Juvenile solitary confinement

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered juvenile' means—

''(A) a juvenile who—

''(i) is being proceeded against under this chapter for an alleged act of juvenile delinquency; or

''(ii) has been adjudicated delinquent under this chapter; or

''(B) a juvenile who is being proceeded against as an adult in a district court of the United States for an alleged criminal offense;

''(2) the term 'juvenile facility' means any facility where covered juveniles are—

''(A) committed pursuant to an adjudication of delinquency under this chapter; or

''(B) detained prior to disposition or conviction; and

''(3) the term 'room confinement' means the involuntary placement of a covered juvenile alone in a cell, room, or other area for any reason.

''(b) PROHIBITION ON ROOM CONFINEMENT IN JUVENILE FACILITIES.—

''(1) IN GENERAL.—The use of room confinement at a juvenile facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a covered juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile, is prohibited.

''(2) JUVENILES POSING RISK OF HARM.—

''(A) REQUIREMENT TO USE LEAST RESTRICTIVE TECHNIQUES.—

''(i) IN GENERAL.—Before a staff member of a juvenile facility places a covered juvenile in room confinement, the staff member shall attempt to use less restrictive techniques, including—

''(I) talking with the covered juvenile in an attempt to de-escalate the situation; and

''(II) permitting a qualified mental health professional to talk to the covered juvenile.

''(ii) EXPLANATION.—If, after attempting to use less restrictive techniques as required under clause (i), a staff member of a juvenile facility decides to place a covered juvenile in room confinement, the staff member shall first—

''(I) explain to the covered juvenile the reasons for the room confinement; and

''(II) inform the covered juvenile that release from room confinement will occur—

''(aa) immediately when the covered juvenile regains self-control, as described in subparagraph (B)(i); or

''(bb) not later than after the expiration of the time period described in subclause (I) or (II) of subparagraph (B)(ii), as applicable.

''(B) MAXIMUM PERIOD OF CONFINEMENT.—If a covered juvenile is placed in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others, the covered juvenile shall be released—

''(i) immediately when the covered juvenile has sufficiently gained control so as to no longer engage in behavior that threatens serious and immediate risk of physical harm to himself or herself, or to others; or

''(ii) if a covered juvenile does not sufficiently gain control as described in clause (i), not later than—

''(I) 3 hours after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm to others; or

''(II) 30 minutes after being placed in room confinement, in the case of a covered juvenile who poses a serious and immediate risk of physical harm only to himself or herself.

''(C) RISK OF HARM AFTER MAXIMUM PERIOD OF CONFINEMENT.—If, after the applicable maximum period of confinement under subclause (I) or (II) of subparagraph (B)(ii) has expired, a covered juvenile continues to pose a serious and immediate risk of physical harm described in that subclause—

''(i) the covered juvenile shall be transferred to another juvenile facility or internal location where services can be provided to the covered juvenile without relying on room confinement; or

''(ii) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the juvenile facility shall initiate a referral to a location that can meet the needs of the covered juvenile.

''(D) SPIRIT AND PURPOSE.—The use of consecutive periods of room confinement to evade the spirit and purpose of this subsection shall be prohibited.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''5043. Juvenile solitary confinement.''.

SA 4133. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FIFTH AMENDMENT INTEGRITY RESTORATION.

(a) CIVIL FORFEITURE PROCEEDINGS.—Section 983 of title 18, United States Code, is amended—

(1) in subsection (b)(2)(A)—

(A) by striking '', and the property subject to forfeiture is real property that is being used by the person as a primary residence,''; and

(B) by striking '', at the request of the person, shall insure'' and inserting ''shall ensure'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''a preponderance of the evidence'' and inserting ''clear and convincing evidence'';

(B) in paragraph (2), by striking ''a preponderance of the evidence'' and inserting ''clear and convincing evidence''; and

(C) by striking paragraph (3) and inserting the following:

''(3) if the Government's theory of forfeiture is that the property was used to commit or facilitate the commission of a criminal offense, or was involved in the commission of a criminal offense, the Government shall establish, by clear and convincing evidence, that—

''(A) there was a substantial connection between the property and the offense; and

''(B) the owner of any interest in the seized property—

''(i) used the property with intent to facilitate the offense; or

''(ii) knowingly consented or was willfully blind to the use of the property by another in connection with the offense.''; and

(3) in subsection (d)(2)(A), by striking ''an owner who'' and all that follows through ''upon learning'' and inserting ''an owner who, upon learning''.

(b) DISPOSITION OF FORFEITED PROPERTY.—

(1) REVISIONS TO CONTROLLED SUBSTANCES ACT.—Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''civilly or'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (B) of paragraph (1)'' and inserting ''paragraph (1)(A)''; and

(ii) in subparagraph (B), by striking ''accordance with section 524(c) of title 28,'' and inserting ''the General Fund of the Treasury of the United States'';

(C) by striking paragraph (3);

(D) by redesignating paragraph (4) as paragraph (3); and

(E) in paragraph (3), as redesignated—

(i) in subparagraph (A), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)''; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking ''paragraph (1)(B) that is civilly or'' and inserting paragraph ''(1)(A) that is''.

(2) REVISIONS TO TITLE 18.—Chapter 46 of title 18, United States Code, is amended—

(A) in section 981(e)—

(i) by striking ''is authorized'' and all that follows through ''or forfeiture of the property;'' and inserting ''shall forward to the Treasurer of the United States any proceeds of property forfeited pursuant to this section for deposit in the General Fund of the Treasury or transfer such property on such terms and conditions as such officer may determine—'';

(ii) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (1), (2), (3), (4), and (5), respectively; and

(iii) in the matter following paragraph (5), as so redesignated—

(I) by striking the first, second, third, sixth, and eighth sentences; and

(II) by striking ''paragraphs (3), (4), and (5)'' and inserting ''paragraphs (1), (2), and (3)''; and

(B) in section 983(g)—

(i) in paragraph (3), by striking ''grossly''; and

(ii) in paragraph (4), by striking ''grossly''.

(3) TARIFF ACT OF 1930.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended—

(A) in section 613A(a) (19 U.S.C. 1613b(a))—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''and'' after the semicolon;

(II) in subparagraph (E), by striking ''; and'' and inserting a period; and

(III) by striking subparagraph (F); and

(ii) in paragraph (2)—

(I) by striking ''(A) Any payment'' and inserting ''Any payment''; and

(II) by striking subparagraph (B); and

(B) in section 616 (19 U.S.C. 1616a)—

(i) in the section heading, by striking ''**TRANSFER OF FORFEITED PROPERTY**'' and inserting ''**DISMISSAL IN FAVOR OF FORFEITURE UNDER STATE LAW**'';

(ii) in subsection (a), by striking ''(a) The Secretary'' and inserting ''The Secretary''; and

(iii) by striking subsections (b) through (d).

(4) TITLE 31.—Section 9703 of title 31, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (G); and

(ii) by redesignating subparagraphs (H) through (J) as subparagraphs (G) through (I), respectively; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (4); and

(ii) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively.

(c) DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND DEPOSITS.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

(d) STRUCTURING TRANSACTIONS TO EVADE REPORTING REQUIREMENT PROHIBITED.—

(1) AMENDMENTS TO TITLE 31.—Section 5324 of title 31, United States Code, is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''knowingly'' after ''Public Law 91–508''; and

(ii) in paragraph (3), by inserting ''of funds not derived from a legitimate source'' after ''any transaction'';

(B) in subsection (b), in the matter preceding paragraph (1), by inserting ''knowingly'' after ''such section''; and

(C) in subsection (c), in the matter preceding paragraph (1), by inserting ''knowingly'' after ''section 5316''.

(2) PROBABLE CAUSE HEARING IN CONNECTION WITH PROPERTY SEIZURES RELATING TO CERTAIN MONETARY INSTRUMENTS TRANSACTIONS.—

(A) AMENDMENT.—Section 5317 of title 31, United States Code, is amended by adding at the end the following:

''(d) PROBABLE CAUSE HEARING IN CONNECTION WITH PROPERTY SEIZURES RELATING TO CERTAIN MONETARY INSTRUMENTS TRANSACTIONS.—

''(1) IN GENERAL.—Not later than 14 days after the date on which notice is provided under paragraph (2)—

''(A) a court of competent jurisdiction shall conduct a hearing on any property seized or restrained under subsection (c)(2) with respect to an alleged violation of section 5324; and

''(B) any property described in subparagraph (A) shall be returned unless the court finds that there is probable cause to believe

that there is a violation of section 5324 involving the property.

''(2) NOTICE.—Each person from whom property is seized or restrained under subsection (c)(2) with respect to an alleged violation of section 5324 shall be notified of the right of the person to a hearing under paragraph (1).''.

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply to property seized or restrained after the date of enactment of this Act.

(e) PROPORTIONALITY.—Section 983(g)(2) of title 18, United States Code, is amended to read as follows:

''(2) In making this determination, the court shall consider such factors as—

''(A) the seriousness of the offense;

''(B) the extent of the nexus of the property to the offense;

''(C) the range of sentences available for the offense giving rise to forfeiture;

''(D) the fair market value of the property; and

''(E) the hardship to the property owner and dependents.''.

(f) REPORTING REQUIREMENTS.—Section 524(c)(6)(i) of title 28, United States Code, is amended by inserting ''from each type of forfeiture, and specifically identifying which funds were obtained from including criminal forfeitures and which were obtained from civil forfeitures,'' after ''deposits''.

(g) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any civil forfeiture proceeding pending on or filed on or after the date of enactment of this Act; and

(2) any amounts received from the forfeiture of property on or after the date of enactment of this Act.

SA 4134. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON CIVIL FORFEITURE.

Notwithstanding any other provision of law, no property of a person, real or personal, may be forfeited to the United States unless the person has been convicted of an offense under which the property may be forfeited.

SA 4135. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ACQUITTED CONDUCT REFORM.

(a) USE OF INFORMATION FOR SENTENCING.—

(1) AMENDMENT.—Section 3661 of title 18, United States Code, is amended by inserting '', except that a court of the United States shall not consider acquitted conduct under this section'' before the period at the end.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only to a judgment entered on or after the date of enactment of this Act.

(b) DEFINITIONS.—Section 3673 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''As'' and inserting the following:

''(a) As''; and

(2) by adding at the end the following:

''(b) As used in this chapter, the term 'acquitted conduct' means—

''(1) acts for which a person was criminally charged and adjudicated not guilty after trial in a Federal or State court; and

''(2) acts underlying criminal charges dismissed—

''(A) in a Federal court upon a motion for acquittal under rule 29 of the Federal Rules of Criminal Procedure; or

''(B) in a State court upon a motion for acquittal or an analogous motion under the applicable State rule of criminal procedure.''.

SA 4136. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. AUTHORITY OF PROBATION OFFICERS.

(a) IN GENERAL.—Section 3606 of title 18, United States Code, is amended—

(1) in the heading, by striking ''**and return of a probationer**'' and by inserting ''**authority of probation officers**'';

(2) by striking ''If there'' and inserting ''(a) If there''; and

(3) by adding at the end the following:

''(b) A probation officer, while in the performance of his or her official duties, may arrest a person without a warrant if there is probable cause to believe that the person has forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with the probation officer, or a fellow probation officer, in violation of section 111. The arrest authority described in this subsection shall be exercised under such rules and regulations as the Director of the Administrative Office of the United States Courts shall prescribe.''.

(b) TABLE OF SECTIONS.—The table of sections for subchapter A of chapter 229 of title 18, United States Code, is amended by striking the item relating to section 3606 and inserting the following:

''3606. Arrest authority of probation officers.''.

SA 4137. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—MENS REA REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the ''Mens Rea Reform Act of 2018''.

Subtitle A—State of Mind

SEC. 711. STATE OF MIND ELEMENT FOR CRIMINAL OFFENSES.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''§ 28. State of mind when not otherwise specifically provided

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered offense'—

''(A) means an offense—

''(i) specified in—

''(I) this title or any other Act of Congress;

''(II) any regulation; or

''(III) any law (including regulations) of any State or foreign government incorporated by reference into this title or any other Act of Congress; and

''(ii) that is punishable by imprisonment, a maximum criminal fine of at least $2,500, or both; and

''(B) does not include—

''(i) any offense set forth in chapter 47 or chapter 47A of title 10; or

''(ii) any offense incorporated by section 13(a) of this title;

''(2) the term 'existing covered offense without a state of mind requirement' means a covered offense for which—

''(A) the provision or provisions specifying the elements of the offense were enacted, promulgated, or finalized on or before the date of enactment of this section; and

''(B) there is not a state of mind requirement specified for 1 or more elements of the covered offense, which shall be determined in accordance with subsection (d)—

''(i) in the text of the covered offense; or

''(ii) under the precedents of the Supreme Court of the United States;

''(3) the term 'existing covered regulatory offense without a state of mind requirement' means an existing covered offense without a state of mind requirement for which the provision or provisions specifying the elements of the offense are in regulations promulgated by an agency;

''(4) the term 'future covered offense' means a covered offense for which the provision or provisions specifying the elements of the offense are enacted, promulgated, or finalized after the date of enactment of this section;

''(5) the term 'state of mind' means willfully, intentionally, maliciously, knowingly, recklessly, wantonly, negligently, or with reason to believe, or any other word or phrase that is synonymous with or substantially similar to any such term; and

''(6) the term 'willfully', as related to an element of an offense, means—

''(A) that the person acted with knowledge that the person's conduct was unlawful; and

''(B) if the element involves the nature, attendant circumstances, object, or result of the conduct of a person, that—

''(i) the person had knowledge of the nature, attendant circumstances, object, or result of his or her conduct; and

''(ii) it was the conscious object of the person to engage in conduct—

''(I) of that nature;

''(II) with that attendant circumstance;

''(III) with that object; or

''(IV) to cause such a result.

''(b) FUTURE COVERED OFFENSES.—A future covered offense shall be construed to require the Government to prove beyond a reasonable doubt that the defendant acted—

''(1) with the state of mind specified in the text of the future covered offense for each element of the offense for which the text specifies a state of mind; and

''(2) except as provided in subsection (d), willfully, with respect to any element of the offense for which the text of the future covered offense does not specify a state of mind.

''(c) EXISTING COVERED OFFENSES WITHOUT A STATE OF MIND REQUIREMENT.—

''(1) DEFAULT REQUIREMENT FOR EXISTING STATUTORY OFFENSES WITHOUT A STATE OF MIND REQUIREMENT.—

''(A) IN GENERAL.—On and after the date specified in subparagraph (B), an existing covered offense without a state of mind requirement for which the provision or provisions specifying the elements of the existing

covered offense are in an Act of Congress shall be construed to require the Government to prove beyond a reasonable doubt that the defendant acted—

''(i) with the state of mind specified in the text of the existing covered offense without a state of mind requirement, including any amendment made after the date of enactment of this section, for each element for which the text specifies a state of mind; and

''(ii) except as provided in subsection (d), willfully, with respect to any element for which the text of the existing covered offense without a state of mind requirement does not specify a state of mind.

''(B) DEADLINE.—The date specified in this subparagraph is the earlier of—

''(i) the date that is 2 years after the date on which the National Criminal Justice Commission submits the report under section 711(b) of the Mens Rea Reform Act of 2018; or

''(ii) the date that is 5 years after the date of enactment of the Mens Rea Reform Act of 2018.

''(2) EXISTING COVERED REGULATORY OFFENSES WITHOUT A STATE OF MIND REQUIREMENT.—

''(A) IN GENERAL.—Not later than the date specified in subparagraph (B), each agency that has in effect an existing covered regulatory offense without a state of mind requirement shall promulgate regulations, after providing notice and an opportunity for comment, specifying the state of mind required for each element of the existing covered regulatory offense for which a state of mind is not specified.

''(B) DEADLINE.—The date specified in this subparagraph is the earlier of—

''(i) the date that is 3 years after the date on which the National Criminal Justice Commission submits the report under section 711(b) of the Mens Rea Reform Act of 2018; or

''(ii) the date that is 6 years after the date of enactment of the Mens Rea Reform Act of 2018.

''(C) NO STRICT LIABILITY OFFENSES.—The regulations promulgated by an agency under subparagraph (A) may not specify that an element of an existing covered regulatory offense does not require any state of mind be proven.

''(D) SUNSET.—Except as provided in subsection (d), after the date specified in subparagraph (B), the criminal penalty provisions of an existing covered regulatory offense for which the regulations establishing the elements of the existing covered regulatory offense do not specify a state of mind for 1 or more elements shall cease to have force or effect.

''(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to grant an agency authority with respect to establishing the mens rea requirements for a covered regulatory offense that is in addition to, or in lieu of, such authority provided under the statute authorizing the covered regulatory offense.

''(d) DETERMINATION THAT ELEMENTS LACK REQUIRED STATE OF MIND.—

''(1) FAILURE TO DISTINGUISH AMONG ELEMENTS.—Except as provided in paragraph (2), if the text of a covered offense specifies the state of mind required for commission of the covered offense without specifying the elements of the covered offense to which the state of mind applies, the state of mind specified shall apply to all elements of the covered offense, unless a contrary legislative purpose plainly appears in the text of the statute.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) of this subsection, subsection (b)(2), and paragraphs (1)(A)(ii) and (2)(D) of subsection (c) shall not apply with respect to—

''(i) any element for which the text of the covered offense makes clear that Congress affirmatively intended not to require the Government to prove any state of mind with respect to such element;

''(ii) any element of a covered offense, to the extent that the element establishes—

''(I) subject matter jurisdiction over the covered offense; or

''(II) venue with respect to trial of the covered offense; or

''(iii) any element of a covered offense, to the extent that applying paragraph (1) of this subsection, subsection (b)(2), or paragraph (1)(A)(ii) or (2)(D) of subsection (c) to such element would lessen the degree of mental culpability that the Government is required to prove with respect to that element under—

''(I) precedent of the Supreme Court of the United States; or

''(II) any other provision of this title, any other Act of Congress, or any regulation.

''(B) MERE ABSENCE INSUFFICIENT.—For purposes of subparagraph (A)(i), the mere absence of a specified state of mind for an element of a covered offense in the text of the covered offense shall not be construed to mean that Congress affirmatively intended not to require the Government to prove any state of mind with respect to that element.

''(e) SUBSEQUENTLY ENACTED LAWS.—No law enacted after the date of enactment of this section shall be construed to repeal, modify the text or effect of, or supersede in whole or in part this section, unless such law specifically refers to this section and explicitly repeals, modifies the text or effect of, or supersedes in whole or in part this section.''.

(b) COMMISSION REPORT AND LEGISLATION.—

(1) DEFINITIONS.—In this section, the term ''existing covered offenses without a state of mind requirement'' has the meaning given that term in section 28 of title 18, United States Code, as added by subsection (a).

(2) SUBMISSION.—Not later than the earlier of 2 years after the date on which the Attorney General submits the report required under section 712(b) or 3 years after the date of enactment of this Act, the National Criminal Justice Commission shall submit to Congress—

(A) a report identifying—

(i) the existing covered offenses without a state of mind requirement; and

(ii) the existing covered offenses without a state of mind requirement for which the Commission recommends that the Government not be required to prove any state of mind with respect to 1 or more elements of the offense, based on consideration of the criteria described in paragraph (3); and

(B) for each existing covered offense without a state of mind requirement identified under subparagraph (A)(ii) for which the provision or provisions specifying the elements of the existing covered offense without a state of mind requirement are in an Act of Congress, proposed legislative language to make clear the Government is not required to prove any state of mind with respect to 1 or more elements of the offense.

(3) CRITERIA.—The criteria specified in this paragraph are—

(A) whether the covered offense makes criminal a type of conduct that a reasonable person should know is subject to stringent public regulation and may seriously threaten public health or safety; and

(B) the potential penalty attached to a violation of the covered offense, with a severe penalty suggesting that the offense should not be a strict liability offense.

(c) EXPEDITED PROCEDURES.—

(1) DEFINITION.—In this subsection, the term ''joint resolution'' means a joint resolution consisting of the proposed legislative language submitted under subsection (b)(2)(B) and introduced or reintroduced under paragraph (2) of this subsection.

(2) INTRODUCTION OF PROPOSED LEGISLATIVE LANGUAGE.—

(A) IN GENERAL.—The proposed legislative language submitted by the National Criminal Justice Commission under subsection (b)(2)(B)—

(i) shall be introduced in the Senate (by request) by the Majority Leader or Minority Leader of the Senate or by a Member of the Senate designated by the Majority Leader or Minority Leader of the Senate not later than 30 days after the date on which the proposed legislation is submitted to Congress; and

(ii) shall be introduced in the House of Representatives (by request) by the Speaker of the House of Representatives or the Minority Leader of the House of Representatives or by a Member of the House of Representatives designated by the Speaker of the House of Representatives or the Minority Leader of the House of Representatives not later than 30 days after the date on which the proposed legislation is submitted to Congress.

(B) REINTRODUCTION.—The proposed legislative language submitted by the National Criminal Justice Commission under subsection (b)(2)(B) shall be reintroduced as described in subparagraph (A) not later than 30 days after the first day of a Congress if—

(i) the proposed legislative language was introduced during the previous Congress after the date that was 210 days before the date of the sine die adjournment of such previous Congress; and

(ii) there was not a vote in either House of Congress on passage of the joint resolution introduced under subparagraph (A) during the previous Congress by which the joint resolution was not agreed to.

(3) EXPEDITED CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House of Representatives not later than 180 days after the date on which the joint resolution is introduced or reintroduced in the House of Representatives under paragraph (2). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(B) PROCEEDING TO CONSIDERATION.—

(i) IN GENERAL.—After each committee authorized to consider a joint resolution reports it to the House of Representatives or has been discharged from its consideration, it shall be in order, not later than 210 days after the date on which the joint resolution is introduced or reintroduced in the House of Representatives under paragraph (2), to move to proceed to consider the joint resolution in the House of Representatives.

(ii) PROCEDURE.—For a motion to proceed to consideration of a joint resolution—

(I) all points of order against the motion are waived;

(II) such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on the joint resolution;

(III) the previous question shall be considered as ordered on the motion to its adoption without intervening motion;

(IV) the motion shall not be debatable; and

(V) a motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—If the House of Representatives proceeds to consideration of a joint resolution—

(i) the joint resolution shall be considered as read;

(ii) all points of order against the joint resolution and against its consideration are waived;

(iii) the previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 10 hours of debate equally divided and controlled by the proponent and an opponent;

(iv) an amendment to the joint resolution shall not be in order; and

(v) a motion to reconsider the vote on passage of the joint resolution shall not be in order.

(4) EXPEDITED CONSIDERATION IN SENATE.—

(A) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(B) PROCEEDING TO CONSIDERATION.—

(i) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 210 days after the date on which the joint resolution is introduced or reintroduced in the Senate under paragraph (2) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of a joint resolution.

(ii) PROCEDURE.—For a motion to proceed to the consideration of a joint resolution—

(I) all points of order against the motion are waived;

(II) the motion is not debatable;

(III) the motion is not subject to a motion to postpone;

(IV) a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order; and

(V) if the motion is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(C) FLOOR CONSIDERATION.—

(i) IN GENERAL.—If the Senate proceeds to consideration of a joint resolution—

(I) all points of order against the joint resolution (and against consideration of the joint resolution) are waived;

(II) consideration of the joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees;

(III) a motion further to limit debate is in order and not debatable;

(IV) an amendment to, a motion to postpone, or a motion to commit the joint resolution is not in order; and

(V) a motion to proceed to the consideration of other business is not in order.

(ii) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the consideration of a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(iii) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of this paragraph or the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(A) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution—

(i) the joint resolution of the other House shall not be referred to a committee; and

(ii) with respect to a joint resolution of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; and

(II) the vote on passage shall be on the joint resolution of the other House.

(B) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this subsection, the joint resolution of the other House shall be entitled to expedited floor procedures under this subsection.

(C) TREATMENT OF COMPANION MEASURES.—If, following passage of a joint resolution in the Senate, the Senate receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(D) CONSIDERATION AFTER PASSAGE.—If the President vetoes the joint resolution, consideration of a veto message in the Senate under this paragraph shall be not more than 10 hours equally divided between the majority and minority leaders or their designees.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and to supersede other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''28. State of mind when not otherwise specifically provided.''.

SEC. 712. INVENTORY OF FEDERAL CRIMINAL OFFENSES.

(a) DEFINITIONS.—In this section—

(1) the term ''criminal regulatory offense'' means a Federal regulation that is enforceable by a criminal penalty;

(2) the term ''criminal statutory offense'' means a criminal offense under a Federal statute; and

(3) the term ''Executive agency''—

(A) has the meaning given the term in section 105 of title 5, United States Code; and

(B) includes the United States Postal Service and the Postal Regulatory Commission.

(b) REPORT ON CRIMINAL STATUTORY OFFENSES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make publicly available a report, which shall include—

(1) a list of all criminal statutory offenses, including a list of the elements for each criminal statutory offense; and

(2) for each criminal statutory offense listed under paragraph (1) and organized by Federal district where applicable—

(A) the potential criminal penalty for the criminal statutory offense;

(B) the number of violations of the criminal statutory offense referred to the Department of Justice by an Executive agency for prosecution, including referrals from investigative agencies of the Department of Justice, in each of the years during the 15-year period preceding the date of enactment of this Act;

(C) the number of prosecutions for the criminal statutory offense brought by the Department of Justice each year for the 15-year period preceding the date of enactment of this Act;

(D) the number of prosecutions for the criminal statutory offense brought by the Department of Justice that have resulted in conviction for each year of the 15-year period preceding the date of enactment of this Act;

(E) the number of convictions for the criminal statutory offense that have resulted in imprisonment for each year of the 15-year period preceding the date of enactment of this Act;

(F) the average length of sentence of imprisonment imposed as a result of conviction for the criminal statutory offense during each year of the 15-year period preceding the date of enactment of this Act;

(G) the mens rea requirement for the criminal statutory offense; and

(H) the number of prosecutions for the criminal statutory offense in which the Department of Justice was not required to prove mens rea as a component of the offense.

(c) REPORT ON CRIMINAL REGULATORY OFFENSES.—Not later than 1 year after the date of enactment of this Act, the head of each Executive agency shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make publicly available a report, which shall include—

(1) a list of all criminal regulatory offenses enforceable by the agency; and

(2) for each criminal regulatory offense listed under paragraph (1)—

(A) the potential criminal penalty for a violation of the criminal regulatory offense;

(B) the number of violations of the criminal regulatory offense referred to the Department of Justice for prosecution in each of the years during the 15-year period preceding the date of enactment of this Act;

(C) the number of prosecutions for the criminal regulatory offense brought by the Department of Justice each year for the 15-year period preceding the date of enactment of this Act;

(D) the number of prosecutions for the criminal regulatory offense brought by the Department of Justice that have resulted in conviction for each year of the 15-year period preceding the date of enactment of this Act;

(E) the number of convictions for the criminal regulatory offense that have resulted in imprisonment for each year of the 15-year period preceding the date of enactment of this Act;

(F) the average length of sentence of imprisonment imposed as a result of conviction for the criminal regulatory offense during each year of the 15-year period preceding the date of enactment of this Act;

(G) the mens rea requirement for the criminal regulatory offense; and

(H) the number of prosecutions for the criminal regulatory offense in which the Department of Justice was not required to prove mens rea as a component of the offense.

(d) INDEX.—Not later than 2 years after the date of enactment of this Act—

(1) the Attorney General shall establish a publically accessible index of each criminal statutory offense listed in the report required under subsection (b) and make the index available and freely accessible on the website of the Department of Justice; and

(2) the head of each Executive agency shall establish a publically accessible index of each criminal regulatory offense listed in the report required under subsection (c) and make the index available and freely accessible on the website of the agency.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require or authorize appropriations.

Subtitle B—National Criminal Justice Commission Act

SEC. 751. FINDINGS.

Congress finds that—

(1) it is in the interest of the Nation to establish a commission to undertake a comprehensive review of the criminal justice system;

(2) there has not been a comprehensive study since the President's Commission on Law Enforcement and Administration of Justice was established in 1965;

(3) that commission, in a span of 18 months, produced a comprehensive report entitled ''The Challenge of Crime in a Free Society'', which contained 200 specific recommendations on all aspects of the criminal justice system involving Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens; and

(4) developments over the intervening 50 years require once again that Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

SEC. 752. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the ''National Criminal Justice Commission'' (referred to in this subtitle as the ''Commission'').

SEC. 753. PURPOSE OF THE COMMISSION.

The Commission shall—

(1) undertake a comprehensive review of the criminal justice system;

(2) make recommendations for Federal criminal justice reform to the President and Congress; and

(3) disseminate findings and supplemental guidance to the Federal Government, as well as to State, local, and tribal governments.

SEC. 754. REVIEW, RECOMMENDATIONS, AND REPORT.

(a) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(b) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit to the President and Congress recommendations for changes in Federal oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(2) UNANIMOUS CONSENT REQUIRED.—A recommendation of the Commission may be adopted and submitted under paragraph (1) if the recommendation is approved by a unanimous vote of the Commissioners at a meeting where a quorum is present pursuant to section 755(d).

(3) REQUIREMENT.—The recommendations submitted under this subsection shall be made available to the public.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall also disseminate to the Federal Government, as well as to State, local, and tribal governments, a report that details the findings and supplemental guidance of the Commission regarding the criminal justice system at all levels of government.

(2) MAJORITY VOTE REQUIRED.—Commission findings and supplemental guidance may be adopted and included in the report required under paragraph (1) if the findings or guidance is approved by a majority vote of the Commissioners at a meeting where a quorum is present pursuant to section 755(d), except that any Commissioners dissenting from particular finding or supplemental guidance shall have the right to state the reason for their dissent in writing and such dissent shall be included in the report of the Commission.

(3) REQUIREMENT.—The report submitted under this subsection shall be made available to the public.

(d) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(e) STATE AND LOCAL GOVERNMENT.—In issuing its recommendations and report under this section, the Commission shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(f) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(g) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(1) IN GENERAL.—The Commission shall—

(A) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(B) include in the final report required under subsection (c) summaries of the input and recommendations of these leaders.

(2) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this section relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(h) SENSE OF CONGRESS, GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and supplemental guidance, and that unanimously supported findings and supplemental guidance should take precedence over those findings and supplemental guidance that are not unanimously supported.

SEC. 755. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(1) One member shall be appointed by the President, who shall serve as co-chairperson of the Commission.

(2) One member shall be appointed by the leader of the Senate, in consultation with the leader of the House of Representatives, that is a member of the opposite party of the President, who shall serve as co-chairperson of the Commission.

(3) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(4) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(5) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(6) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(7) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(8) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(b) MEMBERSHIP.—

(1) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(A) law enforcement;

(B) criminal justice;

(C) national security;

(D) prison and jail administration;

(E) prisoner reentry;

(F) public health, including physical and sexual victimization, drug addiction and mental health;

(G) victims' rights;

(H) civil liberties;

(I) court administration;

(J) social services; and

(K) State, local, and tribal government.

(2) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(c) APPOINTMENT; FIRST MEETING.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this Act, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(3) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) MEETINGS.—The Commission shall meet at the call of the co-chairpersons or a majority of its members.

(2) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this

Act, a quorum shall consist of a majority of the members of the Commission as of such day, so long as not less than 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(e) ACTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission—

(A) shall, subject to the requirements of section 754, act by resolution agreed to by a majority of the members of the Commission voting and present; and

(B) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this subtitle—

(i) which shall be subject to the review and control of the Commission; and

(ii) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(2) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairpersons of the Commission, take any action which the Commission is authorized to take pursuant to this Act.

SEC. 756. ADMINISTRATION.

(a) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT AND COMPENSATION.—The co-chairpersons of the Commission shall designate the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(4) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, a State, or a local government shall serve without compensation in addition to that received for their services as officers or employees.

(5) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairpersons of the Commission shall make requests for such access in writing when necessary.

(e) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims, and chapter 11 of title 18, United States Code, relating to conflicts of interest.

(f) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this Act. Upon the request of the co-chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(g) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) ADMINISTRATIVE REPORTING.—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(i) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(j) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(k) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(l) NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) MEETINGS AND MINUTES.—

(A) MEETINGS.—

(i) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(ii) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(m) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

SEC. 757. SUNSET.

The Commission shall terminate 60 days after the Commission submits the report required under section 754 to Congress.

SA 4138. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV add the following:

SEC. 405. AMENDMENTS TO THE ARMED CAREER CRIMINAL ACT.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking ''(a)(6), (d), (g), (h), (i), (j), or (o) of section 922'' and inserting ''(a)(6), (d), (h), (i), (j), or (o) of section 922, or, except as provided in subsection (e) of this section, subsection (g) of section 922''; and

(2) by striking subsection (e) and inserting the following:

''(e)(1) Whoever knowingly violates section 922(g) and has 3 or more previous serious felony convictions for offenses committed on occasions different from one another shall be fined under this title and imprisoned not less than 15 years and not more than 30 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).

''(2) In this subsection—

''(A) the term 'offense punishable by imprisonment for a statutory maximum term of not less than 10 years' includes an offense (without regard to the application of any sentencing guideline, statutory criterion, or judgment that may provide for a shorter period of imprisonment within the statutory sentencing range) for which the statute provides for a range in the period of imprisonment that may be imposed at sentencing the

maximum term of which is not less than 10 years; and

''(B) the term 'serious felony conviction' means—

''(i) any conviction by a court referred to in section 922(g)(1) for an offense that, at the time of sentencing, was an offense punishable by imprisonment for a statutory maximum term of not less than 10 years; or

''(ii) any group of convictions for which a court referred to in section 922(g)(1) imposed in the same proceeding or in consolidated proceedings a total term of imprisonment not less than 10 years, regardless of how many years of that total term the defendant served in custody.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall apply to any offense committed after the date of enactment of this Act by an individual who, on the date on which the offense is committed, has 3 or more previous serious felony convictions (as defined in subsection (e) of section 924 of title 18, United States Code, as amended by this section).

(2) RULE OF CONSTRUCTION.—This section and the amendments made by this section shall not be construed to create any right to challenge a sentence imposed under subsection (e) of section 924 of title 18, United States Code.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2901(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10581(a)) is amended—

(1) in paragraph (1), by striking ''and'';

(2) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking '', as defined in section 924(e)(2)(A) of title 18, United States Code''; and

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'serious drug offense' means—

''(A) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed by law; or

''(B) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), for which a maximum term of imprisonment of 10 years or more is prescribed by law.''.

SA 4139. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRIMES TARGETING LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 120. Crimes targeting law enforcement officers

''(a) IN GENERAL.—Whoever, in any circumstance described in subsection (b), knowingly causes bodily injury to any person, or attempts to do so, because of the actual or perceived status of the person as a law enforcement officer—

''(1) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(2) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(A) death results from the offense; or

''(B) the offense includes kidnapping or an attempt to kidnap, or an attempt to kill.

''(b) CIRCUMSTANCES DESCRIBED.—For purposes of subsection (a), the circumstances described in this subparagraph are that—

''(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(A) across a State line or national border; or

''(B) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(2) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subsection (a);

''(3) in connection with the conduct described in subsection (a), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(4) the conduct described in subsection (a)—

''(A) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(B) otherwise affects interstate or foreign commerce.

''(c) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—No prosecution of any offense described in this section may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

''(A) the State does not have jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in protecting the public safety; or

''(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

''(d) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.

''(e) STATUTE OF LIMITATIONS.—

''(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

''(2) OFFENSES RESULTING IN DEATH.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.

''(f) DEFINITIONS.—In this section:

''(1) LAW ENFORCEMENT OFFICER.—The term 'law enforcement officer' means an employee of a governmental or public agency who is authorized by law—

''(A) to engage in or supervise the prevention, detention, investigation, or the incarceration of any person for any criminal violation of law; and

''(B) to apprehend or arrest a person for any criminal violation of law.

''(2) STATE.—The term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''120. Crimes targeting law enforcement officers.''.

SA 4140. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4109 proposed by Mr. MCCONNELL (for Mr. KENNEDY (for himself and Mr. COTTON)) to the amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

In section 3632(d)(4)(D) of title 18, United States Code, as added by section 101 of this Act, add at the end the following:

''(liii) Section 32, relating to destruction of aircraft or aircraft facilities.

''(liv) Section 33, relating to destruction of motor vehicles or motor vehicle facilities.

''(lv) Section 36, relating to drive-by shootings.

''(lvi) Section 871, relating to threats against the President and successors to the Presidency.

''(lvii) Section 879, relating to threats against former Presidents and certain other persons.

''(lviii) Section 1091, relating to genocide.''.

''(lviv) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

Notwithstanding any other provision of this Act, insert the following:

SEC. 106. FAITH-BASED CONSIDERATIONS.

(a) IN GENERAL.—In considering any program, treatment, regimen, group, company, charity, person, or entity of any kind under any provision of this Act, or the amendments made by this Act, the fact that it may be or is faith-based may not be a basis for any discrimination against it in any manner or for any purpose.

(b) ELIGIBILITY FOR EARNED TIME CREDIT.—Participation in a faith-based program, treatment, or regimen may qualify a prisoner for earned time credit under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act, however, the Director of the Bureau of Prisons shall ensure that non-faith-based programs that qualify for earned time credit are offered at each Bureau of Prisons facility in addition to any such faith-based programs.

(c) LIMITATION ON ACTIVITIES.—A group, company, charity, person, or entity may not engage in explicitly religious activities using direct financial assistance made available under this title or the amendments made by this title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, may be construed to amend any requirement under Federal law or the Constitution of the United States regarding funding for faith-based programs or activities.

Notwithstanding any other provision of this Act, insert the following:

SEC. 107. INDEPENDENT REVIEW COMMITTEE.

(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act.

(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a corrections system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

(3) 1 individual with expertise in assessing risk assessment implementation.

(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

(3) conducting research and data analysis on—

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs; and

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(4) reviewing and validating the risk and needs assessment system.

(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

(g) REPORT.—Not later than 1 year after the date of enactment of this Act and annually for each year until the Independent Review Committee terminates under this section, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a public report that includes—

(1) a list of all offenses of conviction for which prisoners were ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each offense the number of prisoners excluded, including demographic percentages by age, race, and sex;

(2) the criminal history categories of prisoners ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each category the number of prisoners excluded, including demographic percentages by age, race, and sex;

(3) the number of prisoners ineligible to apply time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, who do not participate in recidivism reduction programming or productive activities, including the demographic percentages by age, race, and sex;

(4) any recommendations for modifications to section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and any other recommendations regarding recidivism reduction.

(h) TERMINATION.—The Independent Review Committee shall terminate on the date that is 5 years after the date on which the risk and needs assessment system authorized by sections 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, is released.

SA 4141. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

On page 149, strike line 12 and insert the following:

shall be prohibited.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to impose any requirement on a State or local law enforcement agency.''.

SA 4142. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

In section 3632 of title 18, United States Code, as added by section 101 of this Act—

(1) in subsection (a)—

(A) in paragraph (6), insert ''and'' at the end;

(B) strike paragraph (7); and

(C) redesignate paragraph (8) as paragraph (7);

(2) in subsection (d)—

(A) strike paragraph (4); and

(B) redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(3) strike subsection (e) and insert the following:

''(e) PENALTIES.—The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide general levels of violations and resulting reductions.''.

In section 3634(6)(A) of title 18, United States Code, as added by section 101 of this Act, strike ''under section 3624(g)''.

In section 102—

(1) strike ''(a) **IMPLEMENTATION OF SYSTEM GENERALLY**.—''; and

(2) strike subsection (b).

In section 103—

(1) strike paragraphs (3) and (7); and

(2) redesignate—

(A) paragraphs (4) through (6) as paragraphs (3) through (5), respectively; and

(B) paragraph (8) as paragraph (6).

In section 107—

(1) strike subsection (g); and

(2) redesignate subsection (h) as subsection (g).

Strike title IV.

Redesignate titles V and VI as titles IV and V, respectively.

Strike section 502, as redesignated.

Redesignate sections 503 through 513, as redesignated, as sections 502 through 512, respectively.

In section 503(a)—

(1) in paragraph (3), strike ''504(b)(1)(A)'' and insert ''404(b)(1)(A)''; and

(2) in paragraph (5)(A)(ii), strike ''504(b)(1)(B)'' and insert ''404(b)(1)(B)''.

SA 4143. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

In section 3631 of title 18, United States Code, as added by section 101(a) of this Act—

(1) in subsection (a)—

(A) in paragraph (4), add ''and'' at the end;

(B) in paragraph (5), strike ''; and'' and insert a period; and

(C) strike paragraph (6).

In section 3632 of title 18, United States Code, as added by section 101(a) of this Act—

(1) in subsection (a), strike '', in consultation with the Independent Review Committee authorized by the First Step Act of 2018,''; and

(2) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (C), strike the period at the end and insert '', except that the Director of the Bureau of Prisons may deny such a transfer if the warden of the prison finds that the prisoner should not be transferred into prerelease custody based on the prisoner's programmatic needs, the prisoner's conduct or actions after the conviction of such prisoner, the prisoner's risk of recidivism, the availability of the Bureau of Prisons' resources to ensure adequate supervision of the prisoner while in prerelease custody, and other conditions that the Director of the Bureau of Prisons determines are appropriate for public safety or recidivism reduction purposes. The determination of whether the prisoner should be transferred into prerelease custody or supervised release under this paragraph shall not be reviewable by any court.''; and

(ii) in strike subparagraph (E)(i) and insert the following:

''(i) IN GENERAL.—A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is—

''(I) the subject to an immigration detainer or to a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))); or

''(II) is found by the Director of the Bureau of Prisons to be likely to be a deportable alien described in section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)).''; and

(B) in paragraph (6), insert '', except no activity that earns a prisoner credit for any other incentive or reward shall earn the prisoner any incentives under this subsection'' before the period at the end.

In section 3633(a) of title 18, United States Code, as added by section 101(a) of this Act, strike '', in consultation with the Independent Review Committee authorized by the First Step Act of 2018,''.

In section 3635 of title 18, United States Code, as added by section 101(a) of this Act—

(1) in paragraph (3)—

(A) in subparagraph (B), strike ''and'' at the end;

(B) in subparagraph (C)(xiii), strike the period at the end and insert ''; and''; and

(C) add at the end the following:

''(D) may not include any training that would enhance the capacity of the prisoner to commit any crime similar to those for which the prisoner is incarcerated.'';

(2) strike paragraph (5);

(3) redesignate paragraph (6) as paragraph (5).

In section 3624(g) of title 18, United States Code, as added by section 102(b) of this Act—

(1) strike paragraph (1)(D) and insert the following:

''(D) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner.''; and

(2) strike paragraph (2)(A) and insert the following:

''(A) HOME CONFINEMENT.—

''(i) IN GENERAL.—A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall—

''(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

''(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons—

''(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

''(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

''(cc) perform community service;

''(dd) participate in crime victim restoration activities;

''(ee) receive medical treatment;

''(ff) attend religious activities; or

''(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

''(III) comply with such other conditions as the Director determines appropriate.

''(ii) DURATION.—Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.''.

Strike section 107.

Strike section 602.

Redesignate sections 603 through 613, as redesignated, as sections 602 through 612, respectively.

SA 4144. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike lines 1 through 14 and insert the following:

''(ii) Section 111, relating to assaulting, resisting, or impeding certain officers or employees.

''(iii) Section 113(a), relating to assaults within maritime and territorial jurisdiction.

On page 15, line 14, strike ''section 1112'' and all that follows through ''manslaughter),'' on line 18.

On page 16, line 3, strike ''persons,'' and all that follows through the end of line 4 and insert ''persons.''.

On page 16, strike line 20 and all that follows through page 17, line 7, and insert the following:

''(xxvii) Subsection (a), (d), or (e) of section 2113, relating to certain bank robberies and incidental crimes.

''(xxviii) Subsection (a) or (c) of section 2118, relating to certain robberies and burglaries involving controlled substances.

''(xxix) Section 2119, relating to taking a motor vehicle (commonly referred to as 'carjacking').

On page 20, strike line 19 and all that follows through page 21, line 2, and insert the following:

''(lii) Section 401 of the Controlled Substances Act (21 U.S.C. 841), relating to manufacturing or distributing a controlled substance.

On page 24, line 1, strike ''(lii)'' and insert ''(lxii)''.

On page 24, after line 24, add the following:

''(lxiii) Any offense under Federal law that is a crime of violence, as defined in section 16.

''(lxiv) Any offense under Federal law that is a sex offense, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911).

''(lxv) Section 36, relating to drive-by-shootings.

''(lxvi) Section 114, relating to maiming within maritime and territorial jurisdiction.

''(lxvii) Section 249, relating to hate crimes.

''(lxviii) Section 2101, relating to riots.

''(lxix) Section 2111, relating to robbery within the special maritime and territorial jurisdiction of the United States.

''(lxx) Section 2261, relating to interstate domestic violence.

''(lxxi) Section 2261A, relating to stalking.

''(lxxii) Section 2421, relating to transportation for illegal sexual activity.

''(lxxiii) Section 2422, relating to coercion and enticement relating to transportation for illegal sexual activity.

''(lxxiv) Section 2423, relating to transportation of minors for illegal sexual activity.

''(lxxv) Section 2425, relating to the use of interstate facilities to transmit information about a minor relating to illegal sexual activity.

''(lxxvi) Section 1010 or 1012 of the Controlled Substances Import Export Act (21 U.S.C. 960, 962), relating to importing or exporting controlled substances.

''(lxxvii) Section 70506 of title 46, United States Code, relating to maritime drug law enforcement.

On page 70, strike line 2 and all that follows through page 74, line 21.

SA 4145. Mr. PETERS (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. NATIONAL CRIMINAL JUSTICE COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) it is in the interest of the Nation to establish a commission to undertake a comprehensive review of the criminal justice system;

(2) there has not been a comprehensive study since the President's Commission on Law Enforcement and Administration of Justice was established in 1965;

(3) that commission, in a span of 18 months, produced a comprehensive report entitled ''The Challenge of Crime in a Free Society'', which contained 200 specific recommendations on all aspects of the criminal justice system involving Federal, State, Tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens; and

(4) developments over the intervening 50 years require once again that Federal, State, Tribal, and local governments, law enforcement agencies, including rank and file officers, civil rights organizations, community-based organization leaders, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

(b) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''National Criminal Justice Commission'' (referred to in this section as the ''Commission'').

(c) PURPOSE OF THE COMMISSION.—The Commission shall—

(1) undertake a comprehensive review of the criminal justice system;

(2) make recommendations for Federal criminal justice reform to the President and Congress; and

(3) disseminate findings and supplemental guidance to the Federal Government, as well as to State, local, and Tribal governments.

(d) REVIEW, RECOMMENDATIONS, AND REPORT.—

(1) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and Tribal governments' criminal justice costs, practices, and policies.

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit to the President and Congress recommendations for changes in Federal oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(B) UNANIMOUS CONSENT REQUIRED.—A recommendation of the Commission may be adopted and submitted under subparagraph (A) if the recommendation is approved by a unanimous vote of the Commissioners at a meeting where a quorum is present pursuant to subsection (e)(4).

(C) REQUIREMENT.—The recommendations submitted under this paragraph shall be made available to the public.

(3) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the first meeting of the Commission,

the Commission shall also disseminate to the Federal Government, as well as to State, local, and Tribal governments, a report that details the findings and supplemental guidance of the Commission regarding the criminal justice system at all levels of government.

(B) MAJORITY VOTE REQUIRED.—Commission findings and supplemental guidance may be adopted and included in the report required under subparagraph (A) if the findings or guidance is approved by a majority vote of the Commissioners at a meeting where a quorum is present pursuant to subsection (e)(4), except that any Commissioners dissenting from particular finding or supplemental guidance shall have the right to state the reason for their dissent in writing and such dissent shall be included in the report of the Commission.

(C) REQUIREMENT.—The report submitted under this paragraph shall be made available to the public.

(4) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(5) STATE AND LOCAL GOVERNMENT.—In issuing its recommendations and report under this subsection, the Commission shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(6) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(7) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(A) IN GENERAL.—The Commission shall—

(i) closely consult with Federal, State, local, and Tribal government and nongovernmental leaders, including State, local, and Tribal law enforcement officials, including rank and file officers, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, community-based organization leaders, formerly incarcerated individuals, professional organizations, and corrections officials; and

(ii) include in the final report required under paragraph (3) summaries of the input and recommendations of those leaders.

(B) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this subsection relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(8) SENSE OF CONGRESS, GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and supplemental guidance, and that unanimously supported findings and supplemental guidance should take precedence over those findings and supplemental guidance that are not unanimously supported.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(A) One member shall be appointed by the President, and shall serve as co-chairman of the Commission.

(B) One member, who shall be a member of the opposite party of the President, shall be appointed by the leader of the Senate, in consultation with the leader of the House of Representatives, and shall serve as co-chairman of the Commission.

(C) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(D) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(E) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(F) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(G) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(H) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(2) MEMBERSHIP.—

(A) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(i) law enforcement;

(ii) criminal justice;

(iii) national security;

(iv) prison and jail administration;

(v) prisoner reentry;

(vi) public health, including physical and sexual victimization, drug addiction and mental health;

(vii) victims' rights;

(viii) civil rights;

(ix) civil liberties;

(x) court administration;

(xi) social services; and

(xii) State, local, and Tribal government.

(B) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(3) APPOINTMENT; FIRST MEETING.—

(A) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(B) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this Act, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(C) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the committees with a copy of the completed guidelines.

(4) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Commission shall meet at the call of the co-chairs or a majority of its members.

(B) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day, so long as not less than 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(5) ACTIONS OF COMMISSION.—

(A) IN GENERAL.—The Commission—

(i) shall, subject to the requirements of subsection (d), act by resolution agreed to by a majority of the members of the Commission voting and present; and

(ii) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title—

(I) which shall be subject to the review and control of the Commission; and

(II) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(B) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) ADMINISTRATION.—

(1) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(B) APPOINTMENT AND COMPENSATION.—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The Executive Director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(D) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual

performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(E) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(5) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims, and chapter 11 of title 18, United States Code, relating to conflicts of interest.

(6) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this section. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(7) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) ADMINISTRATIVE REPORTING.—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(9) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(10) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(11) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(12) NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) MEETINGS AND MINUTES.—

(i) MEETINGS.—

(I) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(II) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(ii) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(13) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(g) AUTHORIZATION FOR USE OF FUNDS.—For each of fiscal years 2019 and 2020, the Attorney General may use, from any unobligated balances made available under the heading ''GENERAL ADMINISTRATION'' to the Department of Justice in an appropriations Act, such amounts as are necessary, not to exceed $7,000,000 per fiscal year and not to exceed $14,000,000 total for both fiscal years, to carry out this section, except that none of the funds authorized to be used to carry out this section may be used for international travel.

(h) SUNSET.—The Commission shall terminate 60 days after the Commission submits the report required under subsection (d)(3) to Congress.

SA 4146. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 130, strike line 9 and all that follows through page 132, line 6, and insert the following:

SEC. 605. GAO REPORT.

Beginning not later than 90 days

SA 4147. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 1 day after enactment.

SA 4148. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 2 days after enactment.

SA 4149. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 9, strike ''210'' and insert ''211''.

SA 4150. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. OFFICE FOR ACCESS TO JUSTICE.

The Attorney General shall reestablish the Office for Access to Justice as a separate office of the Department of Justice that is not within any other office or agency of the Department of Justice.

SA 4151. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. ACCESS TO RECIDIVISM REDUCTION PROGRAMMING IN OTHER LANGUAGES.

Any recidivism reduction programming provided or funded under this Act or an amendment made by this Act shall, upon request of a prisoner, be provided to the prisoner in his or her primary language.

SA 4152. Mr. BOOKER (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the

bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 614. FAIR CHANCE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Fair Chance to Compete for Jobs Act of 2018'' or the ''Fair Chance Act''.

(b) PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER FOR FEDERAL EMPLOYMENT.—

(1) IN GENERAL.—Subpart H of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 92—PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER

''§ 9201. Definitions

''In this chapter—

''(1) the term 'agency' means 'Executive agency' as such term is defined in section 105 and includes—

''(A) the United States Postal Service and the Postal Regulatory Commission; and

''(B) the Executive Office of the President;

''(2) the term 'appointing authority' means an employee in the executive branch of the Government of the United States that has authority to make appointments to positions in the civil service;

''(3) the term 'conditional offer' means an offer of employment in a position in the civil service that is conditioned upon the results of a criminal history inquiry;

''(4) the term 'criminal history record information'—

''(A) except as provided in subparagraphs (B) and (C), has the meaning given the term in section 9101(a);

''(B) includes any information described in the first sentence of section 9101(a)(2) that has been sealed or expunged pursuant to law; and

''(C) includes information collected by a criminal justice agency, relating to an act or alleged act of juvenile delinquency, that is analogous to criminal history record information (including such information that has been sealed or expunged pursuant to law); and

''(5) the term 'suspension' has the meaning given the term in section 7501.

''§ 9202. Limitations on requests for criminal history record information

''(a) INQUIRIES PRIOR TO CONDITIONAL OFFER.—Except as provided in subsections (b) and (c), an employee of an agency may not request, in oral or written form (including through the Declaration for Federal Employment (Office of Personnel Management Optional Form 306) or any similar successor form, the USAJOBS Internet Web site, or any other electronic means) that an applicant for an appointment to a position in the civil service disclose criminal history record information regarding the applicant before the appointing authority extends a conditional offer to the applicant.

''(b) OTHERWISE REQUIRED BY LAW.—The prohibition under subsection (a) shall not apply with respect to an applicant for a position in the civil service if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(c) EXCEPTION FOR CERTAIN POSITIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply with respect to an applicant for an appointment to a position—

''(A) that requires a determination of eligibility described in clause (i), (ii), or (iii) of section 9101(b)(1)(A);

''(B) as a Federal law enforcement officer (as defined in section 115(c) of title 18); or

''(C) identified by the Director of the Office of Personnel Management in the regulations issued under paragraph (2).

''(2) REGULATIONS.—

''(A) ISSUANCE.—The Director of the Office of Personnel Management shall issue regulations identifying additional positions with respect to which the prohibition under subsection (a) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(B) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under subparagraph (A) shall—

''(i) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(ii) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''§ 9203. Agency policies; complaint procedures

''The Director of the Office of Personnel Management shall—

''(1) develop, implement, and publish a policy to assist employees of agencies in complying with section 9202 and the regulations issued pursuant to such section; and

''(2) establish and publish procedures under which an applicant for an appointment to a position in the civil service may submit a complaint, or any other information, relating to compliance by an employee of an agency with section 9202.

''§ 9204. Adverse action

''(a) FIRST VIOLATION.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee of an agency has violated section 9202, the Director shall—

''(1) issue to the employee a written warning that includes a description of the violation and the additional penalties that may apply for subsequent violations; and

''(2) file such warning in the employee's official personnel record file.

''(b) SUBSEQUENT VIOLATIONS.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee that was subject to subsection (a) has committed a subsequent violation of section 9202, the Director may take the following action:

''(1) For a second violation, suspension of the employee for a period of not more than 7 days.

''(2) For a third violation, suspension of the employee for a period of more than 7 days.

''(3) For a fourth violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $250.

''(4) For a fifth violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $500.

''(5) For any subsequent violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $1,000.

''§ 9205. Procedures

''(a) APPEALS.—The Director of the Office of Personnel Management shall by rule establish procedures providing for an appeal from any adverse action taken under section 9204 by not later than 30 days after the date of the action.

''(b) APPLICABILITY OF OTHER LAWS.—An adverse action taken under section 9204 (including a determination in an appeal from such an action under subsection (a) of this section) shall not be subject to—

''(1) the procedures under chapter 75; or

''(2) except as provided in subsection (a) of this section, appeal or judicial review.

''§ 9206. Rules of construction

''Nothing in this chapter may be construed to—

''(1) authorize any officer or employee of an agency to request the disclosure of information described under subparagraphs (B) and (C) of section 9201(4); or

''(2) create a private right of action for any person.''.

(2) REGULATIONS; EFFECTIVE DATE.—

(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out chapter 92 of title 5, United States Code (as added by this section).

(B) EFFECTIVE DATE.—Section 9202 of title 5, United States Code (as added by this section), shall take effect on the date that is 2 years after the date of enactment of this Act.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 91 the following:

''92. Prohibition on criminal history inquiries prior to conditional offer ..... 9201''.

(4) APPLICATION TO LEGISLATIVE BRANCH.—

(A) IN GENERAL.—The Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended—

(i) in section 102(a) (2 U.S.C. 1302(a)), by adding at the end the following:

''(12) Section 9202 of title 5, United States Code.'';

(ii) by redesignating section 207 (2 U.S.C. 1317) as section 208; and

(iii) by inserting after section 206 (2 U.S.C. 1316) the following new section:

''SEC. 207. RIGHTS AND PROTECTIONS RELATING TO CRIMINAL HISTORY INQUIRIES.

''(a) DEFINITIONS.—In this section, the terms 'agency', 'criminal history record information', and 'suspension' have the meanings given the terms in section 9201 of title 5, United States Code, except as otherwise modified by this section.

''(b) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an employee of an employing office may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5, United States Code, if made by an employee of an agency.

''(B) CONDITIONAL OFFER.—For purposes of applying that section 9202 under subparagraph (A), a reference in that section 9202 to a conditional offer shall be considered to be

an offer of employment as a covered employee that is conditioned upon the results of a criminal history inquiry.

''(2) RULES OF CONSTRUCTION.—The provisions of section 9206 of title 5, United States Code, shall apply to employing offices, consistent with regulations issued under subsection (d).

''(c) REMEDY.—

''(1) IN GENERAL.—The remedy for a violation of subsection (b)(1) shall be such remedy as would be appropriate if awarded under section 9204 of title 5, United States Code, if the violation had been committed by an employee of an agency, consistent with regulations issued under subsection (d), except that the reference in that section to a suspension shall be considered to be a suspension with the level of compensation provided for a covered employee who is taking unpaid leave under section 202.

''(2) PROCESS FOR OBTAINING RELIEF.—An applicant for employment as a covered employee who alleges a violation of subsection (b)(1) may rely on the provisions of title IV (other than sections 404(2), 407, and 408), consistent with regulations issued under subsection (d).

''(d) REGULATIONS TO IMPLEMENT SECTION.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2018, the Board shall, pursuant to section 304, issue regulations to implement this section.

''(2) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations issued by the Director of the Office of Personnel Management under subsection (b)(2)(A) of the Fair Chance to Compete for Jobs Act of 2018 to implement the statutory provisions referred to in subsections (a) through (c) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

''(e) EFFECTIVE DATE.—Section 102(a)(12) and subsections (a) through (c) shall take effect on the date on which section 9202 of title 5, United States Code, applies with respect to agencies.''.

(B) CLERICAL AMENDMENTS.—

(i) The table of contents in section 1(b) of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) is amended—

(I) by redesignating the item relating to section 207 as the item relating to section 208; and

(II) by inserting after the item relating to section 206 the following new item:

''Sec. 207. Rights and protections relating to criminal history inquiries.''.

(ii) Section 62(e)(2) of the Internal Revenue Code of 1986 is amended by striking ''207'' and inserting ''208''.

(5) APPLICATION TO JUDICIAL BRANCH.—

(A) IN GENERAL.—Section 604 of title 28, United States Code, is amended by adding at the end the following:

''(i) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the terms 'agency' and 'criminal history record information' have the meanings given those terms in section 9201 of title 5;

''(B) the term 'covered employee' means an employee of the judicial branch of the United States Government, other than—

''(i) any judge or justice who is entitled to hold office during good behavior;

''(ii) a United States magistrate judge; or

''(iii) a bankruptcy judge; and

''(C) the term 'employing office' means any office or entity of the judicial branch of the United States Government that employs covered employees.

''(2) RESTRICTION.—A covered employee may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5 if made by an employee of an agency.

''(3) EMPLOYING OFFICE POLICIES; COMPLAINT PROCEDURE.—The provisions of sections 9203 and 9206 of title 5 shall apply to employing offices and to applicants for employment as covered employees, consistent with regulations issued by the Director to implement this subsection.

''(4) ADVERSE ACTION.—

''(A) ADVERSE ACTION.—The Director may take such adverse action with respect to a covered employee who violates paragraph (2) as would be appropriate under section 9204 of title 5 if the violation had been committed by an employee of an agency.

''(B) APPEALS.—The Director shall by rule establish procedures providing for an appeal from any adverse action taken under subparagraph (A) by not later than 30 days after the date of the action.

''(C) APPLICABILITY OF OTHER LAWS.—Except as provided in subparagraph (B), an adverse action taken under subparagraph (A) (including a determination in an appeal from such an action under subparagraph (B)) shall not be subject to appeal or judicial review.

''(5) REGULATIONS TO BE ISSUED.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2018, the Director shall issue regulations to implement this subsection.

''(B) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Director of the Office of Personnel Management under subsection (b)(2)(A) of the Fair Chance to Compete for Jobs Act of 2018 except to the extent that the Director of the Administrative Office of the United States Courts may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

''(6) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the date on which section 9202 of title 5 applies with respect to agencies.''.

(c) PROHIBITION ON CRIMINAL HISTORY INQUIRIES BY CONTRACTORS PRIOR TO CONDITIONAL OFFER.—

(1) CIVILIAN AGENCY CONTRACTS.—

(A) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 4713. Prohibition on criminal history inquiries by contractors prior to conditional offer

''(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an executive agency—

''(A) may not require that an individual or sole proprietor who submits a bid for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee; and

''(B) shall require, as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally, or through written form, request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before the contractor extends a conditional offer to the applicant.

''(2) OTHERWISE REQUIRED BY LAW.—The prohibition under paragraph (1) does not apply with respect to a contract if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(3) EXCEPTION FOR CERTAIN POSITIONS.—

''(A) IN GENERAL.—The prohibition under paragraph (1) does not apply with respect to—

''(i) a contract that requires an individual hired under the contract to access classified information or to have sensitive law enforcement or national security duties; or

''(ii) a position that the Administrator of General Services identifies under the regulations issued under subparagraph (B).

''(B) REGULATIONS.—

''(i) ISSUANCE.—Not later than 16 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2018, the Administrator of General Services, in consultation with the Secretary of Defense, shall issue regulations identifying additional positions with respect to which the prohibition under paragraph (1) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(ii) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under clause (i) shall—

''(I) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(II) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''(b) COMPLAINT PROCEDURES.—The Administrator of General Services shall establish and publish procedures under which an applicant for a position with a Federal contractor may submit to the Administrator a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(c) ACTION FOR VIOLATIONS OF PROHIBITION ON CRIMINAL HISTORY INQUIRIES.—

''(1) FIRST VIOLATION.—If the head of an executive agency determines that a contractor has violated subsection (a)(1)(B), such head shall—

''(A) notify the contractor;

''(B) provide 30 days after such notification for the contractor to appeal the determination; and

''(C) issue a written warning to the contractor that includes a description of the violation and the additional remedies that may apply for subsequent violations.

''(2) SUBSEQUENT VIOLATION.—If the head of an executive agency determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), such head shall notify the contractor, shall provide 30 days after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor's history of violations, including—

''(A) providing written guidance to the contractor that the contractor's eligibility for contracts requires compliance with this section;

''(B) requiring that the contractor respond within 30 days affirming that the contractor is taking steps to comply with this section; and

''(C) suspending payment under the contract for which the applicant was being considered until the contractor demonstrates compliance with this section.

''(d) DEFINITIONS.—In this section:

''(1) CONDITIONAL OFFER.—The term 'conditional offer' means an offer of employment for a position related to work under a contract that is conditioned upon the results of a criminal history inquiry.

''(2) CRIMINAL HISTORY RECORD INFORMATION.—The term 'criminal history record information' has the meaning given that term in section 9201 of title 5.''.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 41, United States Code, is amended by inserting after the item relating to section 4712 the following new item:

''4713. Prohibition on criminal history inquiries by contractors prior to conditional offer.''.

(C) EFFECTIVE DATE.—Section 4713 of title 41, United States Code, as added by subparagraph (A), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in subsection (b)(2)(B) of this section.

(2) DEFENSE CONTRACTS.—

(A) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2338 the following new section:

''§ 2339. Prohibition on criminal history inquiries by contractors prior to conditional offer

''(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the head of an agency—

''(A) may not require that an individual or sole proprietor who submits a bid for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee; and

''(B) shall require as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally or through written form request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before such contractor extends a conditional offer to the applicant.

''(2) OTHERWISE REQUIRED BY LAW.—The prohibition under paragraph (1) does not apply with respect to a contract if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(3) EXCEPTION FOR CERTAIN POSITIONS.—

''(A) IN GENERAL.—The prohibition under paragraph (1) does not apply with respect to—

''(i) a contract that requires an individual hired under the contract to access classified information or to have sensitive law enforcement or national security duties; or

''(ii) a position that the Secretary of Defense identifies under the regulations issued under subparagraph (B).

''(B) REGULATIONS.—

''(i) ISSUANCE.—Not later than 16 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2018, the Secretary of Defense, in consultation with the Administrator of General Services, shall issue regulations identifying additional positions with respect to which the prohibition under paragraph (1) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(ii) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under clause (i) shall—

''(I) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(II) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''(b) COMPLAINT PROCEDURES.—The Secretary of Defense shall establish and publish procedures under which an applicant for a position with a Department of Defense contractor may submit a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(c) ACTION FOR VIOLATIONS OF PROHIBITION ON CRIMINAL HISTORY INQUIRIES.—

''(1) FIRST VIOLATION.—If the Secretary of Defense determines that a contractor has violated subsection (a)(1)(B), the Secretary shall—

''(A) notify the contractor;

''(B) provide 30 days after such notification for the contractor to appeal the determination; and

''(C) issue a written warning to the contractor that includes a description of the violation and the additional remedies that may apply for subsequent violations.

''(2) SUBSEQUENT VIOLATIONS.—If the Secretary of Defense determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), the Secretary shall notify the contractor, shall provide 30 days after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor's history of violations, including—

''(A) providing written guidance to the contractor that the contractor's eligibility for contracts requires compliance with this section;

''(B) requiring that the contractor respond within 30 days affirming that the contractor is taking steps to comply with this section; and

''(C) suspending payment under the contract for which the applicant was being considered until the contractor demonstrates compliance with this section.

''(d) DEFINITIONS.—In this section:

''(1) CONDITIONAL OFFER.—The term 'conditional offer' means an offer of employment for a position related to work under a contract that is conditioned upon the results of a criminal history inquiry.

''(2) CRIMINAL HISTORY RECORD INFORMATION.—The term 'criminal history record information' has the meaning given that term in section 9201 of title 5.''.

(B) EFFECTIVE DATE.—Section 2339(a) of title 10, United States Code, as added by subparagraph (A), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in subsection (b)(2)(B) of this section.

(C) CLERICAL AMENDMENT.—The table of sections for chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2338 the following new item:

''2339. Prohibition on criminal history inquiries by contractors prior to conditional offer.''.

(3) REVISIONS TO FEDERAL ACQUISITION REGULATION.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation to implement section 4713 of title 41, United States Code, and section 2339 of title 10, United States Code, as added by this subsection.

(B) CONSISTENCY WITH OFFICE OF PERSONNEL MANAGEMENT REGULATIONS.—The Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation under subparagraph (A) to be consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (b)(2)(A) to the maximum extent practicable. The Council shall include together with such revision an explanation of any substantive modification of the Office of Personnel Management regulations, including an explanation of how such modification will more effectively implement the rights and protections under this section.

(d) REPORT ON EMPLOYMENT OF INDIVIDUALS FORMERLY INCARCERATED IN FEDERAL PRISONS.—

(1) DEFINITION.—In this subsection, the term ''covered individual''—

(A) means an individual who has completed a term of imprisonment in a Federal prison for a Federal criminal offense; and

(B) does not include an alien who is or will be removed from the United States for a violation of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(2) STUDY AND REPORT REQUIRED.—The Director of the Bureau of Justice Statistics, in coordination with the Director of the Bureau of the Census, shall—

(A) not later than 180 days after the date of enactment of this Act, design and initiate a study on the employment of covered individuals after their release from Federal prison, including by collecting—

(i) demographic data on covered individuals, including race, age, and sex; and

(ii) data on employment and earnings of covered individuals who are denied employment, including the reasons for the denials; and

(B) not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, submit a report that does not include any personally identifiable information on the study conducted under subparagraph (A) to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Health, Education, Labor, and Pensions of the Senate;

(iii) the Committee on Oversight and Government Reform of the House of Representatives; and

(iv) the Committee on Education and the Workforce of the House of Representatives.

SA 4153. Mr. CRAPO (for Mr. JONES) proposed an amendment to the bill S. 3191, to provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil Rights Cold Case Records Collection Act of 2018''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ARCHIVIST.—The term ''Archivist'' means the Archivist of the United States.

(2) CIVIL RIGHTS COLD CASE.—The term ''civil rights cold case'' means any unsolved case—

(A) arising out of events which occurred during the period beginning on January 1, 1940 and ending on December 31, 1979; and

(B) related to—

(i) section 241 of title 18, United States Code (relating to conspiracy against rights);

(ii) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(iii) section 245 of title 18, United States Code (relating to federally protected activities);

(iv) sections 1581 and 1584 of title 18, United States Code (relating to peonage and involuntary servitude);

(v) section 901 of the Fair Housing Act (42 U.S.C. 3631); or

(vi) any other Federal law that was—

(I) in effect on or before December 31, 1979; and

(II) enforced by the criminal section of the Civil Rights Division of the Department of Justice before the date of enactment of this Act.

(3) CIVIL RIGHTS COLD CASE RECORD.—The term ''civil rights cold case record'' means a record that—

(A) is related to a civil rights cold case; and

(B) was created or made available for use by, obtained by, or otherwise came into the possession of—

(i) the Library of Congress;

(ii) the National Archives;

(iii) any executive agency;

(iv) any independent agency;

(v) any other entity of the Federal Government; or

(vi) any State or local government, or component thereof, that provided support or assistance or performed work in connection with a Federal inquiry into a civil rights cold case.

(4) COLLECTION.—The term ''Collection'' means the Civil Rights Cold Case Records Collection established under section 3.

(5) EXECUTIVE AGENCY.—The term ''executive agency'' means an agency, as defined in section 552(f) of title 5, United States Code.

(6) GOVERNMENT OFFICE.—The term ''Government office'' means any office of the Federal Government that has possession or control of 1 or more civil rights cold case records.

(7) GOVERNMENT OFFICIAL.—The term ''Government official'' means any officer or employee of the United States, including elected and appointed officials.

(8) NATIONAL ARCHIVES.—The term ''National Archives'' means the National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(9) OFFICIAL INVESTIGATION.—The term ''official investigation'' means the review of a civil rights cold case conducted by any entity of the Federal Government either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(10) ORIGINATING BODY.—The term ''originating body'' means the executive agency, Government commission, congressional committee, or other Governmental entity that created a record or particular information within a record.

(11) PUBLIC INTEREST.—The term ''public interest'' means the compelling interest in the prompt public disclosure of civil rights cold case records for historical and Governmental purposes and for the purpose of fully informing the people of the United States about the history surrounding all civil rights cold cases in the United States.

(12) RECORD.—The term ''record'' has the meaning given the term in section 3301 of title 44, United States Code.

(13) REVIEW BOARD.—The term ''Review Board'' means the Civil Rights Cold Case Records Review Board established under section 5.

SEC. 3. CIVIL RIGHTS COLD CASE RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORD ADMINISTRATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF THE CIVIL RIGHTS COLD CASE RECORDS COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Archivist shall—

(A) commence establishing a collection of civil rights cold case records to be known as the ''Civil Rights Cold Case Records Collection'' that ensures the physical integrity and original provenance of all records in the Collection;

(B) commence preparing and publishing the subject guidebook and index to the Collection; and

(C) establish criteria for Government offices to follow when transmitting copies of civil rights cold case records to the Archivist, to include required metadata.

(2) CONTENTS OF COLLECTION.—The Collection shall include—

(A) a copy of each civil rights cold case record—

(i) that has not been transmitted to the Archivist, which shall be transmitted to the Archivist in accordance with section 2107 of title 44, United States Code, by the entity described in section 2(3)(B) in possession of the civil rights cold case record, except in the case of a State or local government;

(ii) that has been transmitted to the Archivist or disclosed to the public in an unredacted form before the date of the enactment of this Act;

(iii) that is required to be transmitted to the Archivist; or

(iv) the disclosure of which is postponed under this Act; and

(B) all Review Board records, as required under this Act.

(b) DISCLOSURE OF RECORDS.—All civil rights cold case records transmitted to the Archivist for disclosure to the public—

(1) shall be included in the Collection;

(2) not later than 60 days after the transmission of the record to the Archivist, shall be available to the public for inspection and copying at the National Archives; and

(3) shall be prioritized for digitization by the National Archives.

(c) FEES FOR COPYING.—The Archivist shall—

(1) use efficient electronic means when possible;

(2) charge fees for copying civil rights cold case records; and

(3) grant waivers of such fees pursuant to the standard established under section 552(a)(4) of title 5, United States Code.

(d) ADDITIONAL REQUIREMENTS.—The Archivist shall ensure the security of civil rights cold case records in the Collection for which disclosure is postponed.

(e) TRANSMISSION TO THE NATIONAL ARCHIVES.—

(1) IN GENERAL.—Subject to paragraph (2), each Government office shall, in accordance with the criteria established by the Archivist under subsection (a)(1)(C)—

(A) as soon as is reasonably practicable, and in any event not later than 2 years after the date of the enactment of this Act, transmit to the Archivist, for the Archivist to make available to the public in accordance with subsection (b), a copy of each civil rights cold case record that can be publicly disclosed, including any such record that is publicly available on the date of enactment of this Act, without any redaction, adjustment, or withholding under the standards of this Act; and

(B) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this Act, a copy of each civil rights cold case record for which public disclosure has been postponed, in whole or in part, under the standards of this Act, to become part of the protected Collection.

(2) REOPENING OF CASES.—If, not later than 2 years after the date of enactment of this Act, the Attorney General submits to the Archivist a certification that the Attorney General intends to reopen and pursue prosecution of the civil rights cold case to which a civil rights cold case record relates, the Attorney General shall transmit to the Archivist the civil rights cold case record in accordance with paragraph (1)—

(A) not later than 90 days after—

(i) final judgment is entered in the proceedings relating to the civil rights cold case; or

(ii) proceedings relating to the civil rights cold case are dismissed with prejudice; or

(B) not later than the date that is 1 year after the date on which the Attorney General submits to the Archivist the certification, if an indictment or information has not been filed with respect to the civil rights cold case.

(f) PERIODIC REVIEW OF POSTPONED CIVIL RIGHTS COLD CASE RECORDS.—

(1) IN GENERAL.—Each civil rights cold case record that is redacted or for which public disclosure is postponed shall be reviewed not later than December 31 each year by the entity submitting the record and the Archivist, consistent with the recommendations of the Review Board under section 7(c)(3)(B).

(2) REQUIREMENTS OF PERIODIC REVIEW.—The periodic review under paragraph (1) shall address the public disclosure of additional civil rights cold case records in the Collection under the standards of this Act.

(3) UNCLASSIFIED WRITTEN DESCRIPTION.—Any civil rights cold case record for which postponement of public disclosure is continued shall include an unclassified written description of the reason for such continued postponement, which shall be provided to the Archivist and made available on a publicly accessible website upon the determination to continue the postponement.

(4) FULL DISCLOSURE OF CIVIL RIGHTS COLD CASE RECORD REQUIRED.—

(A) IN GENERAL.—Each civil rights cold case record that is not publicly disclosed in full as of the date on which the Review Board terminates under section 5(n) shall be publicly disclosed in full and available in the Collection not later than 25 years after the date of enactment of this Act unless—

(i) the head of the originating body, an executive agency, or other Government office recommends in writing the exemption of the record or information, the release of which would clearly and demonstrably be expected to—

(I) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(II) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(ii) the written recommendation described in clause (i)—

(I) is provided to the Archivist not later than 180 days before the date that is 25 years after the date of enactment of this Act; and

(II) includes—

(aa) a justification of the recommendation to postpone disclosure; and

(bb) a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act; and

(iii) the Archivist agrees with the written recommendation described in clause (i).

(B) NOTIFICATION.—If the Archivist does not agree with the recommendation described in subparagraph (A)(i), the Archivist shall notify the head of the originating body, executive agency, or other Government office making the recommendation not later

than 90 days before the date that is 25 years after the date of enactment of this Act.

(g) DIGITIZATION OF RECORDS.—Each executive agency shall make text searchable documents available to the Review Board pursuant to standards established under section 552(a)(3) of title 5, United States Code.

(h) NOTICE REGARDING PUBLIC DISCLOSURE.—

(1) FINDING.—Congress finds that the public release of case-related documents and information without notice may significantly affect the victims of the events to which the case relates and their next of kin.

(2) NOTICE.—Not later than 7 days before a civil rights cold case record is publicly disclosed, the executive agency releasing the civil rights cold case record, in coordination with the Government office that had possession or control of the civil rights cold case record, shall take all reasonable efforts to provide the civil rights cold case record to the victims of the events to which the civil rights cold case record relates, or their next of kin.

SEC. 4. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

Disclosure of civil rights cold case records or particular information within a civil rights cold case record to the public may be postponed subject to the limitations of this Act if disclosure would clearly and demonstrably be expected to—

(1)(A) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(B) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(2)(A) reveal the name or identity of a living individual who provided confidential information to the United States; and

(B) pose a substantial risk of harm to that individual;

(3) constitute an unwarranted invasion of personal privacy;

(4)(A) compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or group; and

(B) be so harmful that the understanding of confidentiality outweighs the public interest;

(5) endanger the life or physical safety of any individual; or

(6) interfere with ongoing law enforcement proceedings.

SEC. 5. ESTABLISHMENT AND POWERS OF THE CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established, as an independent agency, a board to be known as the Civil Rights Cold Case Records Review Board.

(b) APPOINTMENT.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 individuals to serve as members of the Review Board, to ensure and facilitate the review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(2) INITIAL APPOINTMENT.—

(A) IN GENERAL.—Initial appointments to the Review Board shall, so far as practicable, be made not later than 60 days after the date of enactment of this Act.

(B) RECOMMENDATIONS.—In making appointments to the Review Board, the President may consider any individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(C) EXTENSION.—If an organization described in subparagraph (B) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (3) within 60 days after the date of enactment of this Act, the deadline under subparagraph (A) shall be extended until the earlier of 60 days after the date on which such recommendations are made or 120 days after the date of enactment of this Act.

(D) ADDITIONAL RECOMMENDATIONS.—The President may request that any organization described in subparagraph (B) submit additional recommended nominees.

(3) QUALIFICATIONS.—Individuals nominated to the Review Board shall—

(A) not have had any previous involvement with any official investigation or inquiry conducted by the Federal Government, or any State or local government, relating to any civil rights cold case;

(B) be distinguished individuals of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to fulfill their role in ensuring and facilitating the review, transmission to the public, and public disclosure of files related to civil rights cold cases and who possess an appreciation of the value of such material to the public, scholars, and government; and

(C) include at least 1 professional historian and 1 attorney.

(c) SECURITY CLEARANCES.—All Review Board nominees shall be processed for the necessary security clearances in an accelerated manner by the appropriate Federal agencies and subject to the standard procedures for granting such clearances.

(d) VACANCY.—A vacancy on the Review Board shall be filled in the same manner as the original appointment within 60 days of the occurrence of the vacancy.

(e) CHAIRPERSON.—The members of the Review Board shall elect 1 of the members as chairperson.

(f) REMOVAL OF REVIEW BOARD MEMBER.—

(1) IN GENERAL.—No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2) REPORT.—

(A) IN GENERAL.—If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal, the President shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(B) PUBLICATION.—The President shall publish in the Federal Register a report submitted under subparagraph (A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law.

(3) JUDICIAL REVIEW.—

(A) IN GENERAL.—A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) RELIEF.—The member may be reinstated or granted other appropriate relief by order of the court.

(g) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(h) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of civil rights cold case records.

(2) DECISIONS.—In carrying out paragraph (1), the Review Board shall consider and render decisions on—

(A) whether a record constitutes a civil rights cold case record; and

(B) whether a civil rights cold case record or particular information in a record qualifies for postponement of disclosure under this Act.

(i) POWERS.—

(1) IN GENERAL.—The Review Board shall have the authority to act in a manner prescribed under this Act including the authority to—

(A) obtain access to civil rights cold case records that have been identified and organized by a Government office;

(B) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act;

(C) subpoena private persons to compel the production of documents and other records relevant to its responsibilities under this Act;

(D) require any Government office to account in writing for the destruction of any records relating to civil rights cold cases;

(E) receive information from the public regarding the identification and public disclosure of civil rights cold case records; and

(F) hold hearings, administer oaths, and subpoena documents and other records.

(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under this subsection may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(j) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of chapter 601 of title 18, United States Code.

(k) OVERSIGHT.—

(1) IN GENERAL.—The Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) COOPERATION OF REVIEW BOARD.—The Review Board shall have a duty to cooperate with the exercise of the oversight jurisdiction described in paragraph (1).

(l) SUPPORT SERVICES.—The Administrator of General Services shall provide administrative services for the Review Board on a reimbursable basis.

(m) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(n) TERMINATION.—

(1) IN GENERAL.—The Review Board shall terminate not later than 4 years after the date of enactment of this Act, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if the Review Board has not completed its work within that 4-year period.

(2) REPORTS.—Before its termination, the Review Board shall submit reports to the President and the Congress, including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) TRANSFER OF RECORDS.—

(A) IN GENERAL.—Upon termination, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection.

(B) PRESERVATION OF RECORDS.—The records of the Review Board shall not be destroyed, except that the Archivist may destroy routine administrative records covered by a general records schedule following notification in the Federal Register and after considering comments.

SEC. 6. REVIEW BOARD PERSONNEL.

(a) CHIEF OF STAFF.—

(1) APPOINTMENT.—Not later than 45 days after the initial meeting of the Review Board, and without regard to political affiliation, the Review Board shall appoint an individual to the position of Chief of Staff of the Review Board.

(2) REQUIREMENTS.—The individual appointed as Chief of Staff—

(A) shall be a citizen of the United States of integrity and impartiality who is a distinguished professional; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) CANDIDATE TO HAVE CLEARANCES.—A candidate for Chief of Staff shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(4) APPROVAL CONTINGENT ON PRIOR CLEARANCE.—A candidate for Chief of Staff shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(5) DUTIES.—The Chief of Staff shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the Review Board's review of records;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) have no authority to decide or determine whether any record shall be disclosed to the public or postponed for disclosure.

(6) REMOVAL.—The Chief of Staff shall not be removed except upon a majority vote of the Review Board to remove the Chief of Staff for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Chief of Staff or the employees of the Review Board.

(b) STAFF.—

(1) ADDITIONAL PERSONNEL.—The Review Board may, in accordance with the civil service laws but without regard to civil service laws and regulations for appointments in the competitive service under subchapter I of chapter 33 of title 5, United States Code, appoint and terminate additional employees as are necessary to enable the Review Board and its Chief of Staff to perform their duties.

(2) REQUIREMENTS.—An individual appointed as an employee of the Review Board—

(A) shall be a private citizen of integrity and impartiality; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) NOMINATIONS.—Before making an appointment pursuant to paragraph (1), the Review Board shall consider individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(4) SECURITY CLEARANCES.—A candidate shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Chief of Staff and other employees in accordance with title 5, United States Code, except that the rate of pay for the Chief of Staff and other employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) ADVISORY COMMITTEES.—The Review Board may create advisory committees to assist in fulfilling the responsibilities of the Review Board under this Act.

SEC. 7. REVIEW OF RECORDS BY THE REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY THE BOARD.—Pending the outcome of the Review Board's review activity, a Government office shall retain custody of a civil rights cold case record for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

(b) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date on which all members of the Review Board are appointed, publish a schedule for review of all civil rights cold case records in the Federal Register; and

(2) not later than 180 days after the enactment of this Act, begin its review of civil rights cold case records under this Act.

(c) DETERMINATION OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that copies of all civil rights cold case records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not a civil rights cold case record; or

(B) a Government record or particular information within a civil rights cold case record qualifies for postponement of public disclosure under this Act, which shall include consideration by the Review Board of relevant laws and policies protecting criminal records of juveniles.

(2) POSTPONEMENT.—In approving postponement of public disclosure of a civil rights cold case record, the Review Board shall work to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this Act, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in a civil rights cold case record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a civil rights cold case record.

(3) REPORT.—With respect to each civil rights cold case record or particular information in civil rights cold case records the public disclosure of which is postponed under section 4, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist a report containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board with regard to specific civil rights cold case records; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act.

(4) NOTICE.—Not later than 14 days after the Review Board makes a determination that a civil rights cold case record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of its determination and publish a copy of the determination in the Federal Register.

(5) OTHER NOTICE.—Contemporaneous notice shall be made to the President of Review Board determinations regarding executive branch civil rights cold case records, and to the oversight committees designated in this Act in the case of legislative branch records. Such notice shall contain an unclassified written justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards under section 4.

(d) PRESIDENTIAL AUTHORITY OVER REVIEW BOARD DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an executive branch civil rights cold case record or information contained in a civil rights cold case record, obtained or developed solely within the executive branch, the President shall have the sole and nondelegable authority to require the disclosure or postponement of such record or information under the standards set forth in section 4, and the President shall provide the Review Board with an unclassified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive agency as required under this Act, stating the justification for the President's decision, including the applicable grounds for postponement under section 4.

(2) PERIODIC REVIEW.—Any executive branch civil rights cold case record for which public disclosure is postponed by the President shall be subject to the requirements of periodic review and declassification of classified information and public disclosure in the Collection set forth in section 3.

(3) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Review Board shall, upon its receipt, publish in the Federal Register a copy of any unclassified written certification, statement, or other materials transmitted by or on behalf of the President with regard

to postponement of the public disclosure of civil rights cold case records.

(e) NOTICE TO THE PUBLIC.—On each day that is on or after the date that is 60 days after the Review Board first approves the postponement of disclosure of a civil rights cold case record, the Review Board shall publish on a publicly available website a notice that summarizes the postponements approved by the Review Board or initiated by the President, including a description of the subject, originating body, length or other physical description, and each ground for postponement that is relied upon.

(f) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall report its activities to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) DEADLINES.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until termination of the Review Board, the Review Board shall issue a report under paragraph (1).

(3) CONTENTS.—Each report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its employees.

(B) The progress made on review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(C) The estimated time and volume of civil rights cold case records involved in the completion of the Review Board's performance under this Act.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to operate as required by this Act.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this Act, and a record of the volume of records reviewed and postponed.

(F) Recommendations and requests to Congress for additional authorization.

(G) An appendix containing copies of reports of postponed records to the Archivist required under subsection (c)(3) made since the date of the preceding report under this subsection.

(4) NOTICE OF TERMINATION.—Not later than 90 days before terminating, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date.

SEC. 8. DISCLOSURE OF OTHER INFORMATION AND ADDITIONAL STUDY.

(a) MATERIALS UNDER THE SEAL OF THE COURT.—

(1) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to civil rights cold cases that is held under seal of court.

(2) GRAND JURY MATERIALS.—

(A) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to civil rights cold cases that is held under the injunction of secrecy of a grand jury.

(B) PARTICULARIZED NEED.—A request for disclosure of civil rights cold case records under this Act shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

(3) DEADLINE.—

(A) IN GENERAL.—The Attorney General shall respond to any request that is subject to this subsection within 45 days.

(B) NONDISCLOSURE OF GRAND JURY INFORMATION.—If the Attorney General determines that information relevant to a civil rights cold case that is held under the injunction of secrecy of a grand jury should not be made public, the Attorney General shall set forth in the response to the request the reasons for the determination.

(b) COOPERATION WITH AGENCIES.—It is the sense of Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under the seal by a court or under the injunction of secrecy of a grand jury; and

(2) all departments and agencies of the United States Government should cooperate in full with the Review Board to seek the disclosure of all information relevant to civil rights cold cases consistent with the public interest.

SEC. 9. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—

(1) IN GENERAL.—Subject to paragraph (2), when this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code of 1986), judicial decisions construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(2) PERSONNEL AND MEDICAL FILES.—This Act shall not require the public disclosure of information that is exempt from disclosure under section 552(b)(6) of title 5, United States Code.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to eliminate or limit any right to file any requests with any executive agency or seek judicial review of the decisions under section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

(d) EXISTING AUTHORITY.—Nothing in this Act revokes or limits the existing authority of the President, any executive agency, the Senate, the House of Representatives, or any other entity of the Government to publicly disclose records in its possession.

SEC. 10. FUNDING.

Until such time as funds are appropriated to carry out this Act, the President shall use such sums as are available for discretionary use to carry out this Act.

SA 4154. Mr. CRAPO (for Mr. SCHATZ (for himself, Mr. THUNE, and Mr. WICKER)) proposed an amendment to the bill S. 3238, to improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reliable Emergency Alert Distribution Improvement Act of 2018'' or ''READI Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''Commission'' means the Federal Communications Commission;

(3) the term ''Emergency Alert System'' means the national public warning system, the rules for which are set forth in part 11 of title 47, Code of Federal Regulations (or any successor regulation); and

(4) the term ''Wireless Emergency Alert System'' means the wireless national public warning system established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.), the rules for which are set forth in part 10 of title 47, Code of Federal Regulations (or any successor regulation).

SEC. 3. WIRELESS EMERGENCY ALERT SYSTEM OFFERINGS.

(a) AMENDMENT.—Section 602(b)(2)(E) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(E)) is amended—

(1) by striking the second and third sentences; and

(2) by striking ''other than an alert issued by the President.'' and inserting the following: ''other than an alert issued by—

''(A) the President; or

''(B) the Administrator of the Federal Emergency Management Agency.''.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by subsection (a)(2).

SEC. 4. STATE EMERGENCY ALERT SYSTEM PLANS AND EMERGENCY COMMUNICATIONS COMMITTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''SECC'' means a State Emergency Communications Committee;

(2) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and

(3) the term ''State EAS Plan'' means a State Emergency Alert System Plan.

(b) STATE EMERGENCY COMMUNICATIONS COMMITTEE.—Not later than 180 days after the date of enactment of this Act, the Commission shall adopt regulations that—

(1) encourage the chief executive of each State—

(A) to establish an SECC if the State does not have an SECC; or

(B) if the State has an SECC, to review the composition and governance of the SECC;

(2) provide that—

(A) each SECC, not less frequently than annually, shall—

(i) meet to review and update its State EAS Plan;

(ii) certify to the Commission that the SECC has met as required under clause (i); and

(iii) submit to the Commission an updated State EAS Plan; and

(B) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under subparagraph (A)(iii), the Commission shall—

(i) approve or disapprove the updated State EAS Plan; and

(ii) notify the chief executive of the State of the Commission's findings; and

(3) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under paragraph (2)(A).

(c) CONSULTATION.—The Commission shall consult with the Administrator regarding the adoption of regulations under subsection (b)(3).

SEC. 5. EMERGENCY ALERT BEST PRACTICES.

(a) GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop and issue guidance for State, Tribal, and local governments regarding policies and procedures relating to emergency alerts.

(2) CONTENTS.—The guidance developed under paragraph (1) shall include best practices and recommendations for—

(A) the processes and procedures that a State, Tribal, or local government official should use to issue an alert that will use the Emergency Alert System or Wireless Emergency Alert System, including information about the technology used to issue such an alert;

(B) steps that a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the Emergency Alert System and related emergency alerting systems;

(C) the process that a State, Tribal, or local government official should adopt to retract a false alert in the case of the issuance of such an alert;

(D) the annual training of State, Tribal, and local alert origination staff related to the—

(i) issuance of alerts;

(ii) avoidance of false alerts; and

(iii) retracting of false alerts; and

(E) a plan by which participants in the Emergency Alert System and the Wireless Emergency Alert System and other relevant State, Tribal, and local government officials may, during an emergency, contact each other, as well as Federal officials, when appropriate and necessary, by telephone, text message, or other means of communication, regarding an alert that has been distributed to the public.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to amend, supplement, or abridge the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or in any other manner give the Administrator authority over communications service providers participating in the Emergency Alert System or the Wireless Emergency Alert System.

SEC. 6. FALSE ALERT REPORTING.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to establish a system to receive from the Administrator or State, Tribal, or local governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alert System for the purpose of recording such false alerts and examining their causes.

SEC. 7. REPEATING EMERGENCY ALERT SYSTEM MESSAGES FOR NATIONAL SECURITY.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to provide for repeating Emergency Alert System messages while an alert remains pending that is issued by—

(1) the President;

(2) the Administrator; or

(3) any other entity under specified circumstances as determined by the Commission, in consultation with the Administrator.

SEC. 8. INTERNET AND ONLINE STREAMING SERVICES EMERGENCY ALERT EXAMINATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, and after providing public notice and opportunity for comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services.

(b) REPORT.—Not later than 90 days after completing the inquiry under subsection (a), the Commission shall submit a report on the findings and conclusions of the inquiry to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to the provisions of section 1501 of Public Law 115–254, on behalf of the Majority Leader of the Senate and the Chairman of the Senate Committee on Armed Services, appoints the following individual as a member of the Syria Study Group: Lieutenant General Charles T. Cleveland (US Army, retired), of Virginia.

COMMERCIAL ENGAGEMENT THROUGH OCEAN TECHNOLOGY ACT OF 2018

Mr. CRAPO. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 2511.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2511) entitled ''An Act to require the Under Secretary of Commerce for Oceans and Atmosphere to carry out a program on coordinating the assessment and acquisition by the National Oceanic and Atmospheric Administration of unmanned maritime systems, to make available to the public data collected by the Administration using such systems, and for other purposes.'', do pass with an amendment.

MOTION TO CONCUR

Mr. CRAPO. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS COLD CASE RECORDS COLLECTION ACT OF 2018

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 727, S. 3191.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3191) to provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil Rights Cold Case Records Collection Act of 2018''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ARCHIVIST.—The term ''Archivist'' means the Archivist of the United States.

(2) CIVIL RIGHTS COLD CASE.—The term ''civil rights cold case'' means any unsolved case—

(A) arising out of events which occurred during the period beginning on January 1, 1940 and ending on December 31, 1979; and

(B) related to—

(i) section 241 of title 18, United States Code (relating to conspiracy against rights);

(ii) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(iii) section 245 of title 18, United States Code (relating to federally protected activities);

(iv) sections 1581 and 1584 of title 18, United States Code (relating to peonage and involuntary servitude);

(v) section 901 of the Fair Housing Act (42 U.S.C. 3631); or

(vi) any other Federal law that was—

(I) in effect on or before December 31, 1979; and

(II) enforced by the criminal section of the Civil Rights Division of the Department of Justice before the date of enactment of this Act.

(3) CIVIL RIGHTS COLD CASE RECORD.—The term ''civil rights cold case record'' means a record that—

(A) is related to a civil rights cold case; and

(B) was created or made available for use by, obtained by, or otherwise came into the possession of—

(i) the Library of Congress;

(ii) the National Archives;

(iii) any executive agency;

(iv) any independent agency;

(v) any other entity of the Federal Government; or

(vi) any State or local government, or component thereof, that provided support or assistance or performed work in connection with a Federal inquiry into a civil rights cold case.

(4) COLLECTION.—The term ''Collection'' means the Civil Rights Cold Case Records Collection established under section 3.

(5) EXECUTIVE AGENCY.—The term ''executive agency'' means an agency, as defined in section 552(f) of title 5, United States Code.

(6) GOVERNMENT OFFICE.—The term ''Government office'' means any office of the Federal Government that has possession or control of 1 or more civil rights cold case records.

(7) GOVERNMENT OFFICIAL.—The term ''Government official'' means any officer or employee of the United States, including elected and appointed officials.

(8) NATIONAL ARCHIVES.—The term ''National Archives'' means the National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(9) OFFICIAL INVESTIGATION.—The term ''official investigation'' means the review of a civil rights cold case conducted by any entity of the Federal Government either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(10) ORIGINATING BODY.—The term ''originating body'' means the executive agency, Government commission, congressional committee, or other Governmental entity that created a record or particular information within a record.

(11) PUBLIC INTEREST.—The term ''public interest'' means the compelling interest in the prompt public disclosure of civil rights cold case records for historical and Governmental purposes and for the purpose of fully informing the people of the United States about the history

surrounding all civil rights cold cases in the United States.

(12) RECORD.—The term ''record'' has the meaning given the term in section 3301 of title 44, United States Code.

(13) REVIEW BOARD.—The term ''Review Board'' means the Civil Rights Cold Case Records Review Board established under section 5.

SEC. 3. CIVIL RIGHTS COLD CASE RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORD ADMINISTRATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF THE CIVIL RIGHTS COLD CASE RECORDS COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Archivist shall—

(A) commence establishing a collection of civil rights cold case records to be known as the ''Civil Rights Cold Case Records Collection'' that ensures the physical integrity and original provenance of all records in the Collection;

(B) commence preparing and publishing the subject guidebook and index to the Collection; and

(C) establish criteria for Government offices to follow when transmitting copies of civil rights cold case records to the Archivist, to include required metadata.

(2) CONTENTS OF COLLECTION.—The Collection shall include—

(A) a copy of each civil rights cold case record—

(i) that has not been transmitted to the Archivist, which shall be transmitted to the Archivist in accordance with section 2107 of title 44, United States Code, by the entity described in section 2(3)(B) in possession of the civil rights cold case record, except in the case of a State or local government;

(ii) that has been transmitted to the Archivist or disclosed to the public in an unredacted form before the date of the enactment of this Act;

(iii) that is required to be transmitted to the Archivist; or

(iv) the disclosure of which is postponed under this Act; and

(B) all Review Board records, as required under this Act.

(b) DISCLOSURE OF RECORDS.—All civil rights cold case records transmitted to the Archivist for disclosure to the public—

(1) shall be included in the Collection;

(2) not later than 60 days after the transmission of the record to the Archivist, shall be available to the public for inspection and copying at the National Archives; and

(3) shall be prioritized for digitization by the National Archives.

(c) FEES FOR COPYING.—The Archivist shall—

(1) use efficient electronic means when possible;

(2) charge fees for copying civil rights cold case records; and

(3) grant waivers of such fees pursuant to the standard established under section 552(a)(4) of title 5, United States Code.

(d) ADDITIONAL REQUIREMENTS.—The Archivist shall ensure the security of civil rights cold case records in the Collection for which disclosure is postponed.

(e) TRANSMISSION TO THE NATIONAL ARCHIVES.—

(1) IN GENERAL.—Subject to paragraph (2), each Government office shall, in accordance with the criteria established by the Archivist under subsection (a)(1)(C)—

(A) as soon as is reasonably practicable, and in any event not later than 2 years after the date of the enactment of this Act, transmit to the Archivist, for the Archivist to make available to the public in accordance with subsection (b), a copy of each civil rights cold case record that can be publicly disclosed, including any such record that is publicly available on the date of enactment of this Act, without any redaction, adjustment, or withholding under the standards of this Act; and

(B) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this Act, a copy of each civil rights cold case record for which public disclosure has been postponed, in whole or in part, under the standards of this Act, to become part of the protected Collection.

(2) REOPENING OF CASES.—If, not later than 2 years after the date of enactment of this Act, the Attorney General submits to the Archivist a certification that the Attorney General intends to reopen and pursue prosecution of the civil rights cold case to which a civil rights cold case record relates, the Attorney General shall transmit to the Archivist the civil rights cold case record in accordance with paragraph (1)—

(A) not later than 90 days after—

(i) final judgment is entered in the proceedings relating to the civil rights cold case; or

(ii) proceedings relating to the civil rights cold case are dismissed with prejudice; or

(B) not later than the date that is 1 year after the date on which the Attorney General submits to the Archivist the certification, if an indictment or information has not been filed with respect to the civil rights cold case.

(f) PERIODIC REVIEW OF POSTPONED CIVIL RIGHTS COLD CASE RECORDS.—

(1) IN GENERAL.—Each civil rights cold case record that is redacted or for which public disclosure is postponed shall be reviewed not later than December 31 each year by the entity submitting the record and the Archivist, consistent with the recommendations of the Review Board under section 7(c)(3)(B).

(2) REQUIREMENTS OF PERIODIC REVIEW.—The periodic review under paragraph (1) shall address the public disclosure of additional civil rights cold case records in the Collection under the standards of this Act.

(3) UNCLASSIFIED WRITTEN DESCRIPTION.—Any civil rights cold case record for which postponement of public disclosure is continued shall include an unclassified written description of the reason for such continued postponement, which shall be provided to the Archivist and made available on a publicly accessible website upon the determination to continue the postponement.

(4) FULL DISCLOSURE OF CIVIL RIGHTS COLD CASE RECORD REQUIRED.—

(A) IN GENERAL.—Each civil rights cold case record that is not publicly disclosed in full as of the date on which the Review Board terminates under section 5(n) shall be publicly disclosed in full and available in the Collection not later than 25 years after the date of enactment of this Act unless—

(i) the head of the originating body, an executive agency, or other Government office recommends in writing the exemption of the record or information, the release of which would clearly and demonstrably be expected to—

(I) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(II) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(ii) the written recommendation described in clause (i)—

(I) is provided to the Archivist not later than 180 days before the date that is 25 years after the date of enactment of this Act; and

(II) includes—

(aa) a justification of the recommendation to postpone disclosure; and

(bb) a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act; and

(iii) the Archivist agrees with the written recommendation described in clause (i).

(B) NOTIFICATION.—If the Archivist does not agree with the recommendation described in subparagraph (A)(i), the Archivist shall notify the head of the originating body, executive agency, or other Government office making the recommendation not later than 90 days before the date that is 25 years after the date of enactment of this Act.

(g) DIGITIZATION OF RECORDS.—Each executive agency shall make text searchable documents available to the Review Board pursuant to standards established under section 552(a)(3) of title 5, United States Code.

(h) NOTICE REGARDING PUBLIC DISCLOSURE.—

(1) FINDING.—Congress finds that the public release of case-related documents and information without notice may significantly affect the victims of the events to which the case relates and their next of kin.

(2) NOTICE.—Not later than 7 days before a civil rights cold case record is publicly disclosed, the executive agency releasing the civil rights cold case record, in coordination with the Government office that had possession or control of the civil rights cold case record, shall take all reasonable efforts to provide the civil rights cold case record to the victims of the events to which the civil rights cold case record relates, or their next of kin.

SEC. 4. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

Disclosure of civil rights cold case records or particular information within a civil rights cold case record to the public may be postponed subject to the limitations of this Act if disclosure would clearly and demonstrably be expected to—

(1)(A) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(B) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(2)(A) reveal the name or identity of a living individual who provided confidential information to the United States; and

(B) pose a substantial risk of harm to that individual;

(3) constitute an unwarranted invasion of personal privacy;

(4)(A) compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or group; and

(B) be so harmful that the understanding of confidentiality outweighs the public interest;

(5) endanger the life or physical safety of any individual; or

(6) interfere with ongoing law enforcement proceedings.

SEC. 5. ESTABLISHMENT AND POWERS OF THE CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established, as an independent agency, a board to be known as the Civil Rights Cold Case Records Review Board.

(b) APPOINTMENT.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 individuals to serve as members of the Review Board, to ensure and facilitate the review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(2) INITIAL APPOINTMENT.—

(A) IN GENERAL.—Initial appointments to the Review Board shall, so far as practicable, be made not later than 60 days after the date of enactment of this Act.

(B) RECOMMENDATIONS.—In making appointments to the Review Board, the President may consider any individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(C) EXTENSION.—If an organization described in subparagraph (B) does not recommend at

least 2 nominees meeting the qualifications stated in paragraph (3) within 60 days after the date of enactment of this Act, the deadline under subparagraph (A) shall be extended until the earlier of 60 days after the date on which such recommendations are made or 120 days after the date of enactment of this Act.

(D) ADDITIONAL RECOMMENDATIONS.—The President may request that any organization described in subparagraph (B) submit additional recommended nominees.

(3) QUALIFICATIONS.—Individuals nominated to the Review Board shall—

(A) not have had any previous involvement with any official investigation or inquiry conducted by the Federal Government, or any State or local government, relating to any civil rights cold case;

(B) be distinguished individuals of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to fulfill their role in ensuring and facilitating the review, transmission to the public, and public disclosure of files related to civil rights cold cases and who possess an appreciation of the value of such material to the public, scholars, and government; and

(C) include at least 1 professional historian and 1 attorney.

(c) SECURITY CLEARANCES.—All Review Board nominees shall be processed for the necessary security clearances in an accelerated manner by the appropriate Federal agencies and subject to the standard procedures for granting such clearances.

(d) VACANCY.—A vacancy on the Review Board shall be filled in the same manner as the original appointment within 60 days of the occurrence of the vacancy.

(e) CHAIRPERSON.—The members of the Review Board shall elect 1 of the members as chairperson.

(f) REMOVAL OF REVIEW BOARD MEMBER.—

(1) IN GENERAL.—No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2) REPORT.—

(A) IN GENERAL.—If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal, the President shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(B) PUBLICATION.—The President shall publish in the Federal Register a report submitted under subparagraph (A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law.

(3) JUDICIAL REVIEW.—

(A) IN GENERAL.—A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) RELIEF.—The member may be reinstated or granted other appropriate relief by order of the court.

(g) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(h) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of civil rights cold case records.

(2) DECISIONS.—In carrying out paragraph (1), the Review Board shall consider and render decisions on—

(A) whether a record constitutes a civil rights cold case record; and

(B) whether a civil rights cold case record or particular information in a record qualifies for postponement of disclosure under this Act.

(i) POWERS.—

(1) IN GENERAL.—The Review Board shall have the authority to act in a manner prescribed under this Act including the authority to—

(A) obtain access to civil rights cold case records that have been identified and organized by a Government office;

(B) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act;

(C) subpoena private persons to compel testimony, records, and other information relevant to its responsibilities under this Act;

(D) require any Government office to account in writing for the destruction of any records relating to civil rights cold cases;

(E) receive information from the public regarding the identification and public disclosure of civil rights cold case records; and

(F) hold hearings, administer oaths, and subpoena witnesses and documents.

(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under this subsection may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(j) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of chapter 601 of title 18, United States Code.

(k) OVERSIGHT.—

(1) IN GENERAL.—The Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) COOPERATION OF REVIEW BOARD.—The Review Board shall have a duty to cooperate with the exercise of the oversight jurisdiction described in paragraph (1).

(l) SUPPORT SERVICES.—The Administrator of General Services shall provide administrative services for the Review Board on a reimbursable basis.

(m) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(n) TERMINATION.—

(1) IN GENERAL.—The Review Board shall terminate not later than 4 years after the date of enactment of this Act, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if the Review Board has not completed its work within that 4-year period.

(2) REPORTS.—Before its termination, the Review Board shall submit reports to the President and the Congress, including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) TRANSFER OF RECORDS.—

(A) IN GENERAL.—Upon termination, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection.

(B) PRESERVATION OF RECORDS.—The records of the Review Board shall not be destroyed, except that the Archivist may destroy routine administrative records covered by a general records schedule following notification in the Federal Register and after considering comments.

SEC. 6. REVIEW BOARD PERSONNEL.

(a) CHIEF OF STAFF.—

(1) APPOINTMENT.—Not later than 45 days after the initial meeting of the Review Board, and without regard to political affiliation, the Review Board shall appoint an individual to the position of Chief of Staff of the Review Board.

(2) REQUIREMENTS.—The individual appointed as Chief of Staff—

(A) shall be a citizen of the United States of integrity and impartiality who is a distinguished professional; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) CANDIDATE TO HAVE CLEARANCES.—A candidate for Chief of Staff shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(4) APPROVAL CONTINGENT ON PRIOR CLEARANCE.—A candidate for Chief of Staff shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(5) DUTIES.—The Chief of Staff shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the Review Board's review of records;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) have no authority to decide or determine whether any record shall be disclosed to the public or postponed for disclosure.

(6) REMOVAL.—The Chief of Staff shall not be removed except upon a majority vote of the Review Board to remove the Chief of Staff for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Chief of Staff or the employees of the Review Board.

(b) STAFF.—

(1) ADDITIONAL PERSONNEL.—The Review Board may, in accordance with the civil service laws but without regard to civil service laws and regulations for appointments in the competitive service under subchapter I of chapter 33 of title 5, United States Code, appoint and terminate additional employees as are necessary to enable the Review Board and its Chief of Staff to perform their duties.

(2) REQUIREMENTS.—An individual appointed as an employee of the Review Board—

(A) shall be a private citizen of integrity and impartiality; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) NOMINATIONS.—Before making an appointment pursuant to paragraph (1), the Review Board shall consider individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(4) SECURITY CLEARANCES.—A candidate shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Chief of Staff and other employees in accordance with title 5, United States Code, except that the rate of pay for the Chief of Staff and other employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) ADVISORY COMMITTEES.—The Review Board may create advisory committees to assist in fulfilling the responsibilities of the Review Board under this Act.

SEC. 7. REVIEW OF RECORDS BY THE REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY THE BOARD.—Pending the outcome of the Review Board's review activity, a Government office shall retain custody of a civil rights cold case record for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

(b) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date on which all members of the Review Board are appointed, publish a schedule for review of all civil rights cold case records in the Federal Register; and

(2) not later than 180 days after the enactment of this Act, begin its review of civil rights cold case records under this Act.

(c) DETERMINATION OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that copies of all civil rights cold case records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not a civil rights cold case record; or

(B) a Government record or particular information within a civil rights cold case record qualifies for postponement of public disclosure under this Act, which shall include consideration by the Review Board of relevant laws and policies protecting criminal records of juveniles.

(2) POSTPONEMENT.—In approving postponement of public disclosure of a civil rights cold case record, the Review Board shall work to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this Act, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in a civil rights cold case record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a civil rights cold case record.

(3) REPORT.—With respect to each civil rights cold case record or particular information in civil rights cold case records the public disclosure of which is postponed under section 4, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist a report containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board with regard to specific civil rights cold case records; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act.

(4) NOTICE.—Not later than 14 days after the Review Board makes a determination that a civil rights cold case record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of its determination and publish a copy of the determination in the Federal Register.

(5) OTHER NOTICE.—Contemporaneous notice shall be made to the President of Review Board determinations regarding executive branch civil rights cold case records, and to the oversight committees designated in this Act in the case of legislative branch records. Such notice shall contain an unclassified written justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards under section 4.

(d) PRESIDENTIAL AUTHORITY OVER REVIEW BOARD DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an executive branch civil rights cold case record or information contained in a civil rights cold case record, obtained or developed solely within the executive branch, the President shall have the sole and nondelegable authority to require the disclosure or postponement of such record or information under the standards set forth in section 4, and the President shall provide the Review Board with an unclassified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive agency as required under this Act, stating the justification for the President's decision, including the applicable grounds for postponement under section 4.

(2) PERIODIC REVIEW.—Any executive branch civil rights cold case record for which public disclosure is postponed by the President shall be subject to the requirements of periodic review and declassification of classified information and public disclosure in the Collection set forth in section 3.

(3) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Review Board shall, upon its receipt, publish in the Federal Register a copy of any unclassified written certification, statement, or other materials transmitted by or on behalf of the President with regard to postponement of the public disclosure of civil rights cold case records.

(e) NOTICE TO THE PUBLIC.—On each day that is on or after the date that is 60 days after the Review Board first approves the postponement of disclosure of a civil rights cold case record, the Review Board shall publish on a publicly available website a notice that summarizes the postponements approved by the Review Board or initiated by the President, including a description of the subject, originating body, length or other physical description, and each ground for postponement that is relied upon.

(f) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall report its activities to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) DEADLINES.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until termination of the Review Board, the Review Board shall issue a report under paragraph (1).

(3) CONTENTS.—Each report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its employees.

(B) The progress made on review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(C) The estimated time and volume of civil rights cold case records involved in the completion of the Review Board's performance under this Act.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to operate as required by this Act.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this Act, and a record of the volume of records reviewed and postponed.

(F) Recommendations and requests to Congress for additional authorization.

(G) An appendix containing copies of reports of postponed records to the Archivist required under subsection (c)(3) made since the date of the preceding report under this subsection.

(4) NOTICE OF TERMINATION.—Not later than 90 days before terminating, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date.

SEC. 8. DISCLOSURE OF OTHER INFORMATION AND ADDITIONAL STUDY.

(a) MATERIALS UNDER THE SEAL OF THE COURT.—

(1) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to civil rights cold cases that is held under seal of court.

(2) GRAND JURY MATERIALS.—

(A) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to civil rights cold cases that is held under the injunction of secrecy of a grand jury.

(B) PARTICULARIZED NEED.—A request for disclosure of civil rights cold case records under this Act shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

(3) DEADLINE.—

(A) IN GENERAL.—The Attorney General shall respond to any request that is subject to this subsection within 45 days.

(B) NONDISCLOSURE OF GRAND JURY INFORMATION.—If the Attorney General determines that information relevant to a civil rights cold case that is held under the injunction of secrecy of a grand jury should not be made public, the Attorney General shall set forth in the response to the request the reasons for the determination.

(b) COOPERATION WITH AGENCIES.—It is the sense of Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under the seal by a court or under the injunction of secrecy of a grand jury; and

(2) all departments and agencies of the United States Government should cooperate in full with the Review Board to seek the disclosure of all information relevant to civil rights cold cases consistent with the public interest.

SEC. 9. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—

(1) IN GENERAL.—Subject to paragraph (2), when this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code of 1986), judicial decisions construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(2) PERSONNEL AND MEDICAL FILES.—This Act shall not require the public disclosure of information that is exempt from disclosure under section 552(b)(6) of title 5, United States Code.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to eliminate or limit any right to file any requests with any executive agency or seek judicial review of the decisions under section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

(d) EXISTING AUTHORITY.—Nothing in this Act revokes or limits the existing authority of the President, any executive agency, the Senate, the House of Representatives, or any other entity of the Government to publicly disclose records in its possession.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(b) INTERIM PROVISIONS.—Until such time as funds are appropriated pursuant to subsection (a), the President shall use such sums as are available for discretionary use to carry out this Act.

Mr. CRAPO. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Jones substitute amendment at the desk be considered and agreed to; and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported substitute amendment was withdrawn.

The amendment (No. 4153) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil Rights Cold Case Records Collection Act of 2018''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ARCHIVIST.—The term ''Archivist'' means the Archivist of the United States.

(2) CIVIL RIGHTS COLD CASE.—The term ''civil rights cold case'' means any unsolved case—

(A) arising out of events which occurred during the period beginning on January 1, 1940 and ending on December 31, 1979; and

(B) related to—

(i) section 241 of title 18, United States Code (relating to conspiracy against rights);

(ii) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(iii) section 245 of title 18, United States Code (relating to federally protected activities);

(iv) sections 1581 and 1584 of title 18, United States Code (relating to peonage and involuntary servitude);

(v) section 901 of the Fair Housing Act (42 U.S.C. 3631); or

(vi) any other Federal law that was—

(I) in effect on or before December 31, 1979; and

(II) enforced by the criminal section of the Civil Rights Division of the Department of Justice before the date of enactment of this Act.

(3) CIVIL RIGHTS COLD CASE RECORD.—The term ''civil rights cold case record'' means a record that—

(A) is related to a civil rights cold case; and

(B) was created or made available for use by, obtained by, or otherwise came into the possession of—

(i) the Library of Congress;

(ii) the National Archives;

(iii) any executive agency;

(iv) any independent agency;

(v) any other entity of the Federal Government; or

(vi) any State or local government, or component thereof, that provided support or assistance or performed work in connection with a Federal inquiry into a civil rights cold case.

(4) COLLECTION.—The term ''Collection'' means the Civil Rights Cold Case Records Collection established under section 3.

(5) EXECUTIVE AGENCY.—The term ''executive agency'' means an agency, as defined in section 552(f) of title 5, United States Code.

(6) GOVERNMENT OFFICE.—The term ''Government office'' means any office of the Federal Government that has possession or control of 1 or more civil rights cold case records.

(7) GOVERNMENT OFFICIAL.—The term ''Government official'' means any officer or employee of the United States, including elected and appointed officials.

(8) NATIONAL ARCHIVES.—The term ''National Archives'' means the National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(9) OFFICIAL INVESTIGATION.—The term ''official investigation'' means the review of a civil rights cold case conducted by any entity of the Federal Government either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(10) ORIGINATING BODY.—The term ''originating body'' means the executive agency, Government commission, congressional committee, or other Governmental entity that created a record or particular information within a record.

(11) PUBLIC INTEREST.—The term ''public interest'' means the compelling interest in the prompt public disclosure of civil rights cold case records for historical and Governmental purposes and for the purpose of fully informing the people of the United States about the history surrounding all civil rights cold cases in the United States.

(12) RECORD.—The term ''record'' has the meaning given the term in section 3301 of title 44, United States Code.

(13) REVIEW BOARD.—The term ''Review Board'' means the Civil Rights Cold Case Records Review Board established under section 5.

SEC. 3. CIVIL RIGHTS COLD CASE RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORD ADMINISTRATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF THE CIVIL RIGHTS COLD CASE RECORDS COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Archivist shall—

(A) commence establishing a collection of civil rights cold case records to be known as the ''Civil Rights Cold Case Records Collection'' that ensures the physical integrity and original provenance of all records in the Collection;

(B) commence preparing and publishing the subject guidebook and index to the Collection; and

(C) establish criteria for Government offices to follow when transmitting copies of civil rights cold case records to the Archivist, to include required metadata.

(2) CONTENTS OF COLLECTION.—The Collection shall include—

(A) a copy of each civil rights cold case record—

(i) that has not been transmitted to the Archivist, which shall be transmitted to the Archivist in accordance with section 2107 of title 44, United States Code, by the entity described in section 2(3)(B) in possession of the civil rights cold case record, except in the case of a State or local government;

(ii) that has been transmitted to the Archivist or disclosed to the public in an unredacted form before the date of the enactment of this Act;

(iii) that is required to be transmitted to the Archivist; or

(iv) the disclosure of which is postponed under this Act; and

(B) all Review Board records, as required under this Act.

(b) DISCLOSURE OF RECORDS.—All civil rights cold case records transmitted to the Archivist for disclosure to the public—

(1) shall be included in the Collection;

(2) not later than 60 days after the transmission of the record to the Archivist, shall be available to the public for inspection and copying at the National Archives; and

(3) shall be prioritized for digitization by the National Archives.

(c) FEES FOR COPYING.—The Archivist shall—

(1) use efficient electronic means when possible;

(2) charge fees for copying civil rights cold case records; and

(3) grant waivers of such fees pursuant to the standard established under section 552(a)(4) of title 5, United States Code.

(d) ADDITIONAL REQUIREMENTS.—The Archivist shall ensure the security of civil rights cold case records in the Collection for which disclosure is postponed.

(e) TRANSMISSION TO THE NATIONAL ARCHIVES.—

(1) IN GENERAL.—Subject to paragraph (2), each Government office shall, in accordance with the criteria established by the Archivist under subsection (a)(1)(C)—

(A) as soon as is reasonably practicable, and in any event not later than 2 years after the date of the enactment of this Act, transmit to the Archivist, for the Archivist to make available to the public in accordance with subsection (b), a copy of each civil rights cold case record that can be publicly disclosed, including any such record that is publicly available on the date of enactment of this Act, without any redaction, adjustment, or withholding under the standards of this Act; and

(B) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this Act, a copy of each civil rights cold case record for which public disclosure has been postponed, in whole or in part, under the standards of this Act, to become part of the protected Collection.

(2) REOPENING OF CASES.—If, not later than 2 years after the date of enactment of this Act, the Attorney General submits to the Archivist a certification that the Attorney General intends to reopen and pursue prosecution of the civil rights cold case to which a civil rights cold case record relates, the Attorney General shall transmit to the Archivist the civil rights cold case record in accordance with paragraph (1)—

(A) not later than 90 days after—

(i) final judgment is entered in the proceedings relating to the civil rights cold case; or

(ii) proceedings relating to the civil rights cold case are dismissed with prejudice; or

(B) not later than the date that is 1 year after the date on which the Attorney General submits to the Archivist the certification, if an indictment or information has not been filed with respect to the civil rights cold case.

(f) PERIODIC REVIEW OF POSTPONED CIVIL RIGHTS COLD CASE RECORDS.—

(1) IN GENERAL.—Each civil rights cold case record that is redacted or for which public disclosure is postponed shall be reviewed not later than December 31 each year by the entity submitting the record and the Archivist, consistent with the recommendations of the Review Board under section 7(c)(3)(B).

(2) REQUIREMENTS OF PERIODIC REVIEW.—The periodic review under paragraph (1) shall address the public disclosure of additional civil rights cold case records in the Collection under the standards of this Act.

(3) UNCLASSIFIED WRITTEN DESCRIPTION.—Any civil rights cold case record for which postponement of public disclosure is continued shall include an unclassified written description of the reason for such continued postponement, which shall be provided to the Archivist and made available on a publicly accessible website upon the determination to continue the postponement.

(4) FULL DISCLOSURE OF CIVIL RIGHTS COLD CASE RECORD REQUIRED.—

(A) IN GENERAL.—Each civil rights cold case record that is not publicly disclosed in full as of the date on which the Review Board terminates under section 5(n) shall be publicly disclosed in full and available in the Collection not later than 25 years after the date of enactment of this Act unless—

(i) the head of the originating body, an executive agency, or other Government office recommends in writing the exemption of the record or information, the release of which would clearly and demonstrably be expected to—

(I) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(II) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(ii) the written recommendation described in clause (i)—

(I) is provided to the Archivist not later than 180 days before the date that is 25 years after the date of enactment of this Act; and

(II) includes—

(aa) a justification of the recommendation to postpone disclosure; and

(bb) a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act; and

(iii) the Archivist agrees with the written recommendation described in clause (i).

(B) NOTIFICATION.—If the Archivist does not agree with the recommendation described in subparagraph (A)(i), the Archivist shall notify the head of the originating body, executive agency, or other Government office making the recommendation not later than 90 days before the date that is 25 years after the date of enactment of this Act.

(g) DIGITIZATION OF RECORDS.—Each executive agency shall make text searchable documents available to the Review Board pursuant to standards established under section 552(a)(3) of title 5, United States Code.

(h) NOTICE REGARDING PUBLIC DISCLOSURE.—

(1) FINDING.—Congress finds that the public release of case-related documents and information without notice may significantly affect the victims of the events to which the case relates and their next of kin.

(2) NOTICE.—Not later than 7 days before a civil rights cold case record is publicly disclosed, the executive agency releasing the civil rights cold case record, in coordination with the Government office that had possession or control of the civil rights cold case record, shall take all reasonable efforts to provide the civil rights cold case record to the victims of the events to which the civil rights cold case record relates, or their next of kin.

SEC. 4. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

Disclosure of civil rights cold case records or particular information within a civil rights cold case record to the public may be postponed subject to the limitations of this Act if disclosure would clearly and demonstrably be expected to—

(1)(A) cause identifiable or describable damage to national security, military defense, law enforcement, intelligence operations, or the conduct of foreign relations that is of such gravity that it outweighs the public interest in disclosure; or

(B) reveal information described in paragraphs (1) through (9) of section 3.3(b) of Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information);

(2)(A) reveal the name or identity of a living individual who provided confidential information to the United States; and

(B) pose a substantial risk of harm to that individual;

(3) constitute an unwarranted invasion of personal privacy;

(4)(A) compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or group; and

(B) be so harmful that the understanding of confidentiality outweighs the public interest;

(5) endanger the life or physical safety of any individual; or

(6) interfere with ongoing law enforcement proceedings.

SEC. 5. ESTABLISHMENT AND POWERS OF THE CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established, as an independent agency, a board to be known as the Civil Rights Cold Case Records Review Board.

(b) APPOINTMENT.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 5 individuals to serve as members of the Review Board, to ensure and facilitate the review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(2) INITIAL APPOINTMENT.—

(A) IN GENERAL.—Initial appointments to the Review Board shall, so far as practicable, be made not later than 60 days after the date of enactment of this Act.

(B) RECOMMENDATIONS.—In making appointments to the Review Board, the President may consider any individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(C) EXTENSION.—If an organization described in subparagraph (B) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (3) within 60 days after the date of enactment of this Act, the deadline under subparagraph (A) shall be extended until the earlier of 60 days after the date on which such recommendations are made or 120 days after the date of enactment of this Act.

(D) ADDITIONAL RECOMMENDATIONS.—The President may request that any organization described in subparagraph (B) submit additional recommended nominees.

(3) QUALIFICATIONS.—Individuals nominated to the Review Board shall—

(A) not have had any previous involvement with any official investigation or inquiry conducted by the Federal Government, or any State or local government, relating to any civil rights cold case;

(B) be distinguished individuals of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to fulfill their role in ensuring and facilitating the review, transmission to the public, and public disclosure of files related to civil rights cold cases and who possess an appreciation of the value of such material to the public, scholars, and government; and

(C) include at least 1 professional historian and 1 attorney.

(c) SECURITY CLEARANCES.—All Review Board nominees shall be processed for the necessary security clearances in an accelerated manner by the appropriate Federal agencies and subject to the standard procedures for granting such clearances.

(d) VACANCY.—A vacancy on the Review Board shall be filled in the same manner as the original appointment within 60 days of the occurrence of the vacancy.

(e) CHAIRPERSON.—The members of the Review Board shall elect 1 of the members as chairperson.

(f) REMOVAL OF REVIEW BOARD MEMBER.—

(1) IN GENERAL.—No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2) REPORT.—

(A) IN GENERAL.—If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal, the President shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(B) PUBLICATION.—The President shall publish in the Federal Register a report submitted under subparagraph (A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law.

(3) JUDICIAL REVIEW.—

(A) IN GENERAL.—A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) RELIEF.—The member may be reinstated or granted other appropriate relief by order of the court.

(g) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(h) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of civil rights cold case records.

(2) DECISIONS.—In carrying out paragraph (1), the Review Board shall consider and render decisions on—

(A) whether a record constitutes a civil rights cold case record; and

(B) whether a civil rights cold case record or particular information in a record qualifies for postponement of disclosure under this Act.

(i) POWERS.—

(1) IN GENERAL.—The Review Board shall have the authority to act in a manner prescribed under this Act including the authority to—

(A) obtain access to civil rights cold case records that have been identified and organized by a Government office;

(B) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act;

(C) subpoena private persons to compel the production of documents and other records relevant to its responsibilities under this Act;

(D) require any Government office to account in writing for the destruction of any records relating to civil rights cold cases;

(E) receive information from the public regarding the identification and public disclosure of civil rights cold case records; and

(F) hold hearings, administer oaths, and subpoena documents and other records.

(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under this subsection may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(j) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of chapter 601 of title 18, United States Code.

(k) OVERSIGHT.—

(1) IN GENERAL.—The Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) COOPERATION OF REVIEW BOARD.—The Review Board shall have a duty to cooperate with the exercise of the oversight jurisdiction described in paragraph (1).

(l) SUPPORT SERVICES.—The Administrator of General Services shall provide administrative services for the Review Board on a reimbursable basis.

(m) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(n) TERMINATION.—

(1) IN GENERAL.—The Review Board shall terminate not later than 4 years after the date of enactment of this Act, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if the Review Board has not completed its work within that 4-year period.

(2) REPORTS.—Before its termination, the Review Board shall submit reports to the President and the Congress, including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) TRANSFER OF RECORDS.—

(A) IN GENERAL.—Upon termination, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection.

(B) PRESERVATION OF RECORDS.—The records of the Review Board shall not be destroyed, except that the Archivist may destroy routine administrative records covered by a general records schedule following notification in the Federal Register and after considering comments.

SEC. 6. REVIEW BOARD PERSONNEL.

(a) CHIEF OF STAFF.—

(1) APPOINTMENT.—Not later than 45 days after the initial meeting of the Review Board, and without regard to political affiliation, the Review Board shall appoint an individual to the position of Chief of Staff of the Review Board.

(2) REQUIREMENTS.—The individual appointed as Chief of Staff—

(A) shall be a citizen of the United States of integrity and impartiality who is a distinguished professional; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) CANDIDATE TO HAVE CLEARANCES.—A candidate for Chief of Staff shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(4) APPROVAL CONTINGENT ON PRIOR CLEARANCE.—A candidate for Chief of Staff shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(5) DUTIES.—The Chief of Staff shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the Review Board's review of records;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) have no authority to decide or determine whether any record shall be disclosed to the public or postponed for disclosure.

(6) REMOVAL.—The Chief of Staff shall not be removed except upon a majority vote of the Review Board to remove the Chief of Staff for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Chief of Staff or the employees of the Review Board.

(b) STAFF.—

(1) ADDITIONAL PERSONNEL.—The Review Board may, in accordance with the civil service laws but without regard to civil service laws and regulations for appointments in the competitive service under subchapter I of chapter 33 of title 5, United States Code, appoint and terminate additional employees as are necessary to enable the Review Board and its Chief of Staff to perform their duties.

(2) REQUIREMENTS.—An individual appointed as an employee of the Review Board—

(A) shall be a private citizen of integrity and impartiality; and

(B) shall have had no previous involvement with any official investigation or inquiry relating to civil rights cold cases.

(3) NOMINATIONS.—Before making an appointment pursuant to paragraph (1), the Review Board shall consider individuals recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(4) SECURITY CLEARANCES.—A candidate shall qualify for the necessary security clearance prior to being appointed by the Review Board.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Chief of Staff and other employees in accordance with title 5, United States Code, except that the rate of pay for the Chief of Staff and other employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) ADVISORY COMMITTEES.—The Review Board may create advisory committees to assist in fulfilling the responsibilities of the Review Board under this Act.

SEC. 7. REVIEW OF RECORDS BY THE REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY THE BOARD.—Pending the outcome of the Review Board's review activity, a Government office shall retain custody of a civil rights cold case record for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

(b) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date on which all members of the Review Board are appointed, publish a schedule for review of all civil rights cold case records in the Federal Register; and

(2) not later than 180 days after the enactment of this Act, begin its review of civil rights cold case records under this Act.

(c) DETERMINATION OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that copies of all civil rights cold case records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not a civil rights cold case record; or

(B) a Government record or particular information within a civil rights cold case record qualifies for postponement of public disclosure under this Act, which shall include consideration by the Review Board of relevant laws and policies protecting criminal records of juveniles.

(2) POSTPONEMENT.—In approving postponement of public disclosure of a civil rights cold case record, the Review Board shall work to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this Act, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in a civil rights cold case record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a civil rights cold case record.

(3) REPORT.—With respect to each civil rights cold case record or particular information in civil rights cold case records the public disclosure of which is postponed under section 4, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist a report containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by

the Review Board with regard to specific civil rights cold case records; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act.

(4) NOTICE.—Not later than 14 days after the Review Board makes a determination that a civil rights cold case record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of its determination and publish a copy of the determination in the Federal Register.

(5) OTHER NOTICE.—Contemporaneous notice shall be made to the President of Review Board determinations regarding executive branch civil rights cold case records, and to the oversight committees designated in this Act in the case of legislative branch records. Such notice shall contain an unclassified written justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards under section 4.

(d) PRESIDENTIAL AUTHORITY OVER REVIEW BOARD DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an executive branch civil rights cold case record or information contained in a civil rights cold case record, obtained or developed solely within the executive branch, the President shall have the sole and nondelegable authority to require the disclosure or postponement of such record or information under the standards set forth in section 4, and the President shall provide the Review Board with an unclassified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive agency as required under this Act, stating the justification for the President's decision, including the applicable grounds for postponement under section 4.

(2) PERIODIC REVIEW.—Any executive branch civil rights cold case record for which public disclosure is postponed by the President shall be subject to the requirements of periodic review and declassification of classified information and public disclosure in the Collection set forth in section 3.

(3) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Review Board shall, upon its receipt, publish in the Federal Register a copy of any unclassified written certification, statement, or other materials transmitted by or on behalf of the President with regard to postponement of the public disclosure of civil rights cold case records.

(e) NOTICE TO THE PUBLIC.—On each day that is on or after the date that is 60 days after the Review Board first approves the postponement of disclosure of a civil rights cold case record, the Review Board shall publish on a publicly available website a notice that summarizes the postponements approved by the Review Board or initiated by the President, including a description of the subject, originating body, length or other physical description, and each ground for postponement that is relied upon.

(f) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall report its activities to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) DEADLINES.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until termination of the Review Board, the Review Board shall issue a report under paragraph (1).

(3) CONTENTS.—Each report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its employees.

(B) The progress made on review, transmission to the Archivist, and public disclosure of civil rights cold case records.

(C) The estimated time and volume of civil rights cold case records involved in the completion of the Review Board's performance under this Act.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to operate as required by this Act.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this Act, and a record of the volume of records reviewed and postponed.

(F) Recommendations and requests to Congress for additional authorization.

(G) An appendix containing copies of reports of postponed records to the Archivist required under subsection (c)(3) made since the date of the preceding report under this subsection.

(4) NOTICE OF TERMINATION.—Not later than 90 days before terminating, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date.

SEC. 8. DISCLOSURE OF OTHER INFORMATION AND ADDITIONAL STUDY.

(a) MATERIALS UNDER THE SEAL OF THE COURT.—

(1) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to civil rights cold cases that is held under seal of court.

(2) GRAND JURY MATERIALS.—

(A) IN GENERAL.—The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to civil rights cold cases that is held under the injunction of secrecy of a grand jury.

(B) PARTICULARIZED NEED.—A request for disclosure of civil rights cold case records under this Act shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

(3) DEADLINE.—

(A) IN GENERAL.—The Attorney General shall respond to any request that is subject to this subsection within 45 days.

(B) NONDISCLOSURE OF GRAND JURY INFORMATION.—If the Attorney General determines that information relevant to a civil rights cold case that is held under the injunction of secrecy of a grand jury should not be made public, the Attorney General shall set forth in the response to the request the reasons for the determination.

(b) COOPERATION WITH AGENCIES.—It is the sense of Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under the seal by a court or under the injunction of secrecy of a grand jury; and

(2) all departments and agencies of the United States Government should cooperate in full with the Review Board to seek the disclosure of all information relevant to civil rights cold cases consistent with the public interest.

SEC. 9. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—

(1) IN GENERAL.—Subject to paragraph (2), when this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code of 1986), judicial decisions construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(2) PERSONNEL AND MEDICAL FILES.—This Act shall not require the public disclosure of information that is exempt from disclosure under section 552(b)(6) of title 5, United States Code.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to eliminate or limit any right to file any requests with any executive agency or seek judicial review of the decisions under section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

(d) EXISTING AUTHORITY.—Nothing in this Act revokes or limits the existing authority of the President, any executive agency, the Senate, the House of Representatives, or any other entity of the Government to publicly disclose records in its possession.

SEC. 10. FUNDING.

Until such time as funds are appropriated to carry out this Act, the President shall use such sums as are available for discretionary use to carry out this Act.

The bill (S. 3191), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. CRAPO. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3191), as amended, was passed.

Mr. CRAPO. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIABLE EMERGENCY ALERT DISTRIBUTION IMPROVEMENT ACT OF 2018

Mr. CRAPO. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be discharged from further consideration of S. 3238.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3238) to improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CRAPO. I further ask unanimous consent that the Schatz substitute amendment at the desk be considered and agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4154) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reliable Emergency Alert Distribution Improvement Act of 2018'' or ''READI Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''Commission'' means the Federal Communications Commission;

(3) the term ''Emergency Alert System'' means the national public warning system, the rules for which are set forth in part 11 of title 47, Code of Federal Regulations (or any successor regulation); and

(4) the term ''Wireless Emergency Alert System'' means the wireless national public warning system established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.), the rules for which are set forth in part 10 of title 47, Code of Federal Regulations (or any successor regulation).

SEC. 3. WIRELESS EMERGENCY ALERT SYSTEM OFFERINGS.

(a) AMENDMENT.—Section 602(b)(2)(E) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(E)) is amended—

(1) by striking the second and third sentences; and

(2) by striking ''other than an alert issued by the President.'' and inserting the following: ''other than an alert issued by—

''(A) the President; or

''(B) the Administrator of the Federal Emergency Management Agency.''.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by subsection (a)(2).

SEC. 4. STATE EMERGENCY ALERT SYSTEM PLANS AND EMERGENCY COMMUNICATIONS COMMITTEES.

(a) DEFINITIONS.—In this section—

(1) the term ''SECC'' means a State Emergency Communications Committee;

(2) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and

(3) the term ''State EAS Plan'' means a State Emergency Alert System Plan.

(b) STATE EMERGENCY COMMUNICATIONS COMMITTEE.—Not later than 180 days after the date of enactment of this Act, the Commission shall adopt regulations that—

(1) encourage the chief executive of each State—

(A) to establish an SECC if the State does not have an SECC; or

(B) if the State has an SECC, to review the composition and governance of the SECC;

(2) provide that—

(A) each SECC, not less frequently than annually, shall—

(i) meet to review and update its State EAS Plan;

(ii) certify to the Commission that the SECC has met as required under clause (i); and

(iii) submit to the Commission an updated State EAS Plan; and

(B) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under subparagraph (A)(iii), the Commission shall—

(i) approve or disapprove the updated State EAS Plan; and

(ii) notify the chief executive of the State of the Commission's findings; and

(3) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under paragraph (2)(A).

(c) CONSULTATION.—The Commission shall consult with the Administrator regarding the adoption of regulations under subsection (b)(3).

SEC. 5. EMERGENCY ALERT BEST PRACTICES.

(a) GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop and issue guidance for State, Tribal, and local governments regarding policies and procedures relating to emergency alerts.

(2) CONTENTS.—The guidance developed under paragraph (1) shall include best practices and recommendations for—

(A) the processes and procedures that a State, Tribal, or local government official should use to issue an alert that will use the Emergency Alert System or Wireless Emergency Alert System, including information about the technology used to issue such an alert;

(B) steps that a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the Emergency Alert System and related emergency alerting systems;

(C) the process that a State, Tribal, or local government official should adopt to retract a false alert in the case of the issuance of such an alert;

(D) the annual training of State, Tribal, and local alert origination staff related to the—

(i) issuance of alerts;

(ii) avoidance of false alerts; and

(iii) retracting of false alerts; and

(E) a plan by which participants in the Emergency Alert System and the Wireless Emergency Alert System and other relevant State, Tribal, and local government officials may, during an emergency, contact each other, as well as Federal officials, when appropriate and necessary, by telephone, text message, or other means of communication, regarding an alert that has been distributed to the public.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to amend, supplement, or abridge the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or in any other manner give the Administrator authority over communications service providers participating in the Emergency Alert System or the Wireless Emergency Alert System.

SEC. 6. FALSE ALERT REPORTING.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to establish a system to receive from the Administrator or State, Tribal, or local governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alert System for the purpose of recording such false alerts and examining their causes.

SEC. 7. REPEATING EMERGENCY ALERT SYSTEM MESSAGES FOR NATIONAL SECURITY.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to provide for repeating Emergency Alert System messages while an alert remains pending that is issued by—

(1) the President;

(2) the Administrator; or

(3) any other entity under specified circumstances as determined by the Commission, in consultation with the Administrator.

SEC. 8. INTERNET AND ONLINE STREAMING SERVICES EMERGENCY ALERT EXAMINATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, and after providing public notice and opportunity for comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services.

(b) REPORT.—Not later than 90 days after completing the inquiry under subsection (a), the Commission shall submit a report on the findings and conclusions of the inquiry to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

The bill (S. 3238), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR TUESDAY, DECEMBER 18, 2018

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, December 18; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume consideration of the House message to accompany S. 756; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the motion to concur with further amendment to S. 756.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:36 p.m., adjourned until Tuesday, December 18, 2018, at 10 a.m.