

109TH CONGRESS
1ST SESSION

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To reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2005

Mr. SPECTER (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. TALENT, Mr. DEWINE, Mr. CORZINE, Mr. BINGAMAN, Mr. KYL, Mr. SANTORUM, and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Second Chance Act
5 of 2005: Community Safety Through Recidivism Preven-
6 tion” or the “Second Chance Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 2002, over 7,000,000 people were incar-
4 cerated in Federal or State prisons or in local jails.
5 Nearly 650,000 people are released from State in-
6 carceration to communities nationwide each year.

7 (2) There are over 3,200 jails throughout the
8 United States, the vast majority of which are oper-
9 ated by county governments. Each year, these jails
10 will release in excess of 10,000,000 people back into
11 the community.

12 (3) Nearly $\frac{2}{3}$ of released State prisoners are
13 expected to be rearrested for a felony or serious mis-
14 demeanor within 3 years after release.

15 (4) In his 2004 State of the Union address,
16 President Bush correctly stated: “We know from
17 long experience that if [former prisoners] can’t find
18 work, or a home, or help, they are much more likely
19 to commit more crimes and return to prison. . . .
20 America is the land of the second chance, and when
21 the gates of the prison open, the path ahead should
22 lead to a better life”.

23 (5) In recent years, a number of States and
24 local governments have begun to establish improved
25 systems for reintegrating former prisoners. Under
26 such systems, corrections officials begin to plan for

1 a prisoner's release while the prisoner is incarcerated
2 and provide a transition to needed services in the
3 community. After offenders are released, local gov-
4 ernments and community agencies coordinate and
5 provide a continuation of reentry services.

6 (6) Faith leaders and parishioners have a long
7 history of helping ex-offenders transform their lives.
8 Through prison ministries and outreach in commu-
9 nities, churches and faith-based organizations have
10 pioneered reentry services to prisoners and their
11 families.

12 (7) Successful reentry protects those who might
13 otherwise be crime victims. It also improves the like-
14 lihood that individuals released from prison, jail, or
15 juvenile detention facilities can pay fines, fees, res-
16 titution, and provide family support.

17 (8) According to the Bureau of Justice Statis-
18 tics, expenditures on corrections alone increased
19 from \$9,000,000,000 in 1982 to \$59,600,000,000 in
20 2002. These figures do not include the cost of arrest
21 and prosecution, nor do they take into account the
22 cost to victims.

23 (9) Increased recidivism results in profound col-
24 lateral consequences, including public health risks,

1 homelessness, unemployment, and disenfranchise-
2 ment.

3 (10) The high prevalence of infectious disease,
4 substance abuse, and mental health disorders that
5 have been found in incarcerated populations de-
6 mands that a recovery model of treatment should be
7 used for handling the more than $\frac{2}{3}$ of all offenders
8 with such needs.

9 (11) Some of the most significant costs of pris-
10 oner reentry are the impact on children, weakened
11 ties among family members, and destabilized com-
12 munities. The long-term generational effects of mul-
13 tiple family member involvement in the justice sys-
14 tem and lack of role models present a great risk to
15 children.

16 (12) According to the 2001 national data from
17 the Bureau of Justice Statistics, 3,500,000 parents
18 were supervised by the correctional system. Prior to
19 incarceration, 64 percent of female prisoners and 44
20 percent of male prisoners in State facilities lived
21 with their children.

22 (13) Between 1991 and 1999, the number of
23 children with a parent in a Federal or State correc-
24 tional facility increased by more than 100 percent,
25 from approximately 900,000 to approximately

1 2,000,000. According to the Bureau of Prisons,
2 there is evidence to suggest that inmates who are
3 connected to their children and families are more
4 likely to avoid negative incidents and have reduced
5 sentences.

6 (14) Released prisoners cite family support as
7 the most important factor in helping them stay out
8 of prison. Research suggests that families are an
9 often underutilized resource in the reentry process.

10 (15) Approximately 100,000 juveniles (ages 17
11 and under) leave juvenile correctional facilities, State
12 prison, or Federal prison each year. Juveniles re-
13 leased from confinement still have their likely prime
14 crime years ahead of them. Juveniles released from
15 secure confinement have a recidivism rate ranging
16 from 55 to 75 percent. The chances that young peo-
17 ple will successfully transition into society improve
18 with effective reentry and aftercare programs.

19 (16) Studies have shown that from 15 percent
20 to 27 percent of prisoners expect to go to homeless
21 shelters upon release from prison.

22 (17) The National Institute of Justice has
23 found that after 1 year of release, up to 60 percent
24 of former inmates are not employed.

1 (18) 57 percent of Federal and 70 percent of
2 State inmates used drugs regularly before prison,
3 with some estimates of involvement with drugs or al-
4 cohol around the time of the offense as high as 84
5 percent (BJS Trends in State Parole, 1990–2000).

6 (19) According to the Bureau of Justice Statis-
7 tics, 60 to 83 percent of the Nation’s correctional
8 population have used drugs at some point in their
9 lives. This is twice the estimated drug use of the
10 total United States population of 40 percent.

11 (20) Family-based treatment programs have
12 proven results for serving the special population of
13 female offenders and substance abusers with chil-
14 dren. An evaluation by the Substance Abuse and
15 Mental Health Services Administration of family-
16 based treatment for substance abusing mothers and
17 children found that at 6 months post treatment, 60
18 percent of the mothers remain alcohol and drug free,
19 and drug related offenses declined from 28 to 7 per-
20 cent. Additionally, a 2003 evaluation of residential
21 family based treatment programs revealed that 60
22 percent of mothers remained clean and sober 6
23 months after treatment, criminal arrests declined by
24 43 percent, and 88 percent of the children treated
25 in the program with their mothers remain stabilized.

1 (21) A Bureau of Justice Statistics analysis in-
2 dicated that only 33 percent of Federal and 36 per-
3 cent of State inmates had participated in residential
4 inpatient treatment programs for alcohol and drug
5 abuse 12 months before their release. Further, over
6 $\frac{1}{3}$ of all jail inmates have some physical or mental
7 disability and 25 percent of jail inmates have been
8 treated at some time for a mental or emotional prob-
9 lem.

10 (22) According to the National Institute of Lit-
11 eracy, 70 percent of all prisoners function at the 2
12 lowest literacy levels.

13 (23) The Bureau of Justice Statistics has found
14 that 27 percent of Federal inmates, 40 percent of
15 State inmates, and 47 percent of local jail inmates
16 have never completed high school or its equivalent.
17 Furthermore, the Bureau of Justice Statistics has
18 found that less educated inmates are more likely to
19 be recidivists. Only 1 in 4 local jails offers basic
20 adult education programs.

21 (24) Participation in State correctional edu-
22 cation programs lowers the likelihood of reincarcer-
23 ation by 29 percent, according to a recent United
24 States Department of Education study. A Federal
25 Bureau of Prisons study found a 33 percent drop in

1 recidivism among Federal prisoners who participated
2 in vocational and apprenticeship training.

3 (25) Almost 60 percent of the prison population
4 in 2002 was less than 35 years old.

5 (26) Less than 32 percent of State prison in-
6 mates have a high school diploma or a higher level
7 of education, compared to 82 percent of the general
8 population.

9 (27) Approximately 38 percent of inmates who
10 completed 11 years or less of school were not work-
11 ing before entry into prison.

12 (28) The percentage of State prisoners partici-
13 pating in educational programs has decreased by
14 more than 8 percent over the period 1991–1997, de-
15 spite growing evidence of how educational program-
16 ming while incarcerated reduces recidivism.

17 (29) Transitional jobs programs have proven to
18 help people with criminal records to successfully re-
19 turn to the workplace and to the community, and
20 therefore can reduce recidivism rates.

21 **SEC. 3. REAUTHORIZATION OF ADULT AND JUVENILE OF-**
22 **FENDER STATE AND LOCAL REENTRY DEM-**
23 **ONSTRATION PROJECTS.**

24 (a) ADULT AND JUVENILE OFFENDER DEMONSTRATION
25 TION PROJECTS AUTHORIZED.—Section 2976(b) of the

1 Omnibus Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3797w(b)) is amended by striking paragraphs (1)
3 through (4) and inserting the following:

4 “(1) establishing or improving the system or
5 systems under which—

6 “(A) the correctional agency of the State
7 or local government develops and carries out
8 plans to facilitate the reentry into the commu-
9 nity of each offender in State or local custody;

10 “(B) the supervision and services provided
11 to offenders in State or local custody are co-
12 ordinated with the supervision and services pro-
13 vided to offenders after reentry into the com-
14 munity;

15 “(C) the efforts of various public and pri-
16 vate entities to provide supervision and services
17 to offenders after reentry into the community,
18 and to family members of such offenders, are
19 coordinated; and

20 “(D) offenders awaiting reentry into the
21 community are provided with documents (such
22 as identification papers, referrals to services,
23 medical prescriptions, job training certificates,
24 apprenticeship papers, and information on ob-
25 taining public assistance) useful in achieving a

1 successful transition from prison, jail, or deten-
2 tion;

3 “(2) carrying out programs and initiatives by
4 units of local government to strengthen reentry serv-
5 ices for individuals released from local jails;

6 “(3) enabling jail or prison mentors of offend-
7 ers to remain in contact with those offenders, includ-
8 ing through the use of such technology as
9 videoconferencing, during incarceration and after re-
10 entry into the community and encouraging the in-
11 volvement of prison or jail mentors in the reentry
12 process;

13 “(4) providing structured post-release housing
14 and transitional housing, including group homes for
15 recovering substance abusers, through which offend-
16 ers are provided supervision and services imme-
17 diately following reentry into the community;

18 “(5) assisting offenders in securing permanent
19 housing upon release or following a stay in transi-
20 tional housing;

21 “(6) providing continuity of health services (in-
22 cluding screening, assessment, and aftercare for
23 mental health services, substance abuse treatment
24 and aftercare, and treatment for contagious dis-

1 eases) to offenders in custody and after reentry into
2 the community;

3 “(7) providing offenders with education, job
4 training, responsible parenting and healthy relation-
5 ship skills training designed specifically for address-
6 ing the needs of incarcerated and transitioning fa-
7 thers and mothers, English as a second language
8 programs, work experience programs, self-respect
9 and life skills training, and other skills useful in
10 achieving a successful transition from prison;

11 “(8) facilitating collaboration among corrections
12 and community corrections, technical schools, com-
13 munity colleges, and the workforce development and
14 employment service sectors to—

15 “(A) promote, where appropriate, the em-
16 ployment of people released from prison and
17 jail, through efforts such as educating employ-
18 ers about existing financial incentives, and fa-
19 cilitate the creation of job opportunities, includ-
20 ing transitional jobs and time limited subsidized
21 work experience (where appropriate), for this
22 population that will benefit communities;

23 “(B) connect inmates to employment, in-
24 cluding supportive employment and employment
25 services, before their release to the community,

1 to provide work supports, including transpor-
2 tation and retention services, as appropriate,
3 and identify labor market needs to ensure that
4 education and training are appropriate; and

5 “(C) address barriers to employment, in-
6 cluding licensing that are not directly connected
7 to the crime committed and the risk that the
8 ex-offender presents to the community, and pro-
9 vide case management services as necessary to
10 prepare offenders for jobs that offer the poten-
11 tial for advancement and growth;

12 “(9) assessing the literacy and educational
13 needs of offenders in custody and identifying and
14 providing services appropriate to meet those needs,
15 including follow-up assessments and long-term serv-
16 ices;

17 “(10) systems under which family members of
18 offenders are involved in facilitating the successful
19 reentry of those offenders into the community, in-
20 cluding removing obstacles to the maintenance of
21 family relationships while the offender is in custody,
22 strengthening the family’s capacity to function as a
23 stable living situation during reentry where appro-
24 priate, and involving family members in the planning
25 and implementation of the reentry process;

1 “(11) programs under which victims are in-
2 cluded, on a voluntary basis, in the reentry process;

3 “(12) identifying and addressing barriers to col-
4 laborating with child welfare agencies in the provi-
5 sion of services jointly to offenders in custody and
6 to the children of such offenders;

7 “(13) carrying out programs that support chil-
8 dren of incarcerated parents, including those in fos-
9 ter care and those cared for by grandparents or
10 other relatives, commonly referred to as kinship
11 care, including mentoring children of prisoners pro-
12 grams;

13 “(14) carrying out programs for the entire fam-
14 ily unit, including the coordination of service delivery
15 across agencies;

16 “(15) implementing programs in correctional
17 agencies to include the collection of information re-
18 garding any dependent children of an incarcerated
19 person as part of intake procedures, including the
20 number of children, age, and location or jurisdiction,
21 and connect identified children with services as ap-
22 propriate and needed;

23 “(16) addressing barriers to the visitation of
24 children with an incarcerated parent, and mainte-
25 nance of the parent-child relationship as appropriate

1 to the safety and well-being of the children, such as
2 the location of facilities in remote areas, telephone
3 costs, mail restrictions, and visitation policies;

4 “(17) creating, developing, or enhancing pris-
5 oner and family assessments curricula, policies, pro-
6 cedures, or programs (including mentoring pro-
7 grams) to help prisoners with a history or identified
8 risk of domestic violence, dating violence, sexual as-
9 sault, or stalking reconnect with their families and
10 communities, as appropriate (or when it is safe to do
11 so), and become mutually respectful, nonabusive par-
12 ents or partners, under which particular attention is
13 paid to the safety of children affected and the con-
14 fidentiality concerns of victims, and efforts are co-
15 ordinated with existing victim service providers;

16 “(18) developing programs and activities that
17 support parent-child relationships, such as—

18 “(A) using telephone conferencing to per-
19 mit incarcerated parents to participate in par-
20 ent-teacher conferences;

21 “(B) using videoconferencing to allow vir-
22 tual visitation when incarcerated persons are
23 more than 100 miles from their families;

24 “(C) the development of books on tape
25 programs, through which incarcerated parents

1 read a book into a tape to be sent to their chil-
2 dren;

3 “(D) the establishment of family days,
4 which provide for longer visitation hours or
5 family activities;

6 “(E) the creation of children’s areas in vis-
7 itation rooms with parent-child activities;

8 “(F) the implementation of programs to
9 help incarcerated fathers and mothers stay con-
10 nected to their children and learn responsible
11 parenting and healthy relationship skills; or

12 “(G) mentoring children of prisoners pro-
13 gram;

14 “(19) expanding family-based treatment centers
15 that offer family-based comprehensive treatment
16 services for parents and their children as a complete
17 family unit;

18 “(20) conducting studies to determine who is
19 returning to prison or jail and which of those return-
20 ing prisoners represent the greatest risk to commu-
21 nity safety;

22 “(21) developing or adopting procedures to en-
23 sure that dangerous felons are not released from
24 prison prematurely;

1 “(22) developing and implementing procedures
2 to assist relevant authorities in determining when re-
3 lease is appropriate and in the use of data to inform
4 the release decision;

5 “(23) developing and implementing procedures
6 to identify efficiently and effectively those violators
7 of probation, parole, or post incarceration super-
8 vision who should be returned to prison or jail;

9 “(24) utilizing validated assessment tools to as-
10 sess the risk factors of returning inmates and
11 prioritizing services based on risk;

12 “(25) facilitating and encouraging timely and
13 complete payment of restitution and fines by ex-of-
14 fenders to victims and the community;

15 “(26) establishing or expanding the use of re-
16 entry courts and other programs to—

17 “(A) monitor offenders returning to the
18 community;

19 “(B) provide returning offenders with—

20 “(i) drug and alcohol testing and
21 treatment; and

22 “(ii) mental and medical health as-
23 sessment and services;

24 “(C) facilitate restorative justice practices
25 and convene family or community impact pan-

1 els, family impact educational classes, victim
2 impact panels, or victim impact educational
3 classes;

4 “(D) provide and coordinate the delivery of
5 other community services to offenders, includ-
6 ing—

7 “(i) housing assistance;

8 “(ii) education;

9 “(iii) employment training;

10 “(iv) children and family support to
11 include responsible parenting and healthy
12 relationship skill training designed specifi-
13 cally to address the needs of incarcerated
14 and transitioning fathers and mothers;

15 “(v) conflict resolution skills training;

16 “(vi) family violence intervention pro-
17 grams;

18 “(vii) culturally and linguistically
19 competent services, as appropriate; and

20 “(viii) other appropriate services; and

21 “(E) establish and implement graduated
22 sanctions and incentives; and

23 “(27) providing technology and other tools to
24 advance post release supervision.”.

1 (b) JUVENILE OFFENDER DEMONSTRATION
2 PROJECTS REAUTHORIZED.—Section 2976(c) of the Om-
3 nibus Crime Control and Safe Streets Act of 1968 (42
4 U.S.C. 3797w(c)) is amended by striking “may be ex-
5 pended for” and all that follows through the period at the
6 end and inserting “may be expended for any activity re-
7 ferred to in subsection (b).”.

8 (c) APPLICATIONS; REQUIREMENTS; PRIORITIES;
9 PERFORMANCE MEASUREMENTS.—Section 2976 of the
10 Omnibus Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3797w) is amended—

12 (1) by redesignating subsection (h) as sub-
13 section (o); and

14 (2) by striking subsections (d) through (g) and
15 inserting the following:

16 “(d) APPLICATIONS.—A State, unit of local govern-
17 ment, territory, or Indian tribe, or combination thereof de-
18 siring a grant under this section shall submit an applica-
19 tion to the Attorney General that—

20 “(1) contains a reentry strategic plan, as ref-
21 erenced in subsection (h), which describes the long-
22 term strategy, and a detailed implementation sched-
23 ule, including the jurisdiction’s plans to pay for the
24 program after the Federal funding is discontinued;

1 “(2) identifies the local government role and
2 the role of governmental agencies and nonprofit or-
3 ganizations that will be coordinated by, and that will
4 collaborate on, the applicant’s prisoner reentry strat-
5 egy and certifies their involvement; and

6 “(3) describes the methodology and outcome
7 measures that will be used in evaluating the pro-
8 gram.

9 “(e) REQUIREMENTS.—The Attorney General may
10 make a grant to an applicant under this section only if
11 the application—

12 “(1) reflects explicit support of the chief execu-
13 tive officer of the State, unit of local government,
14 territory, or Indian tribe applying for a grant under
15 this section;

16 “(2) provides extensive discussion of the role of
17 State corrections departments, community correc-
18 tions agencies, juvenile justice systems, or local jail
19 systems in ensuring successful reentry of ex-offend-
20 ers into their communities;

21 “(3) provides extensive evidence of collaboration
22 with State and local government agencies overseeing
23 health, housing, child welfare, education, substance
24 abuse, and employment services, and local law en-
25 forcement;

1 “(4) provides a plan for analysis of the appli-
2 cant’s existing statutory, regulatory, rules-based,
3 and practice-based hurdles to a prisoner’s reintegration
4 into the community that—

5 “(A) takes particular note and makes rec-
6 ommendations with respect to laws, regulations,
7 rules, and practices that disqualify former pris-
8 oners from obtaining professional licenses or
9 other requirements necessary for certain types
10 of employment, and that hinder full civic par-
11 ticipation;

12 “(B) identifies and makes recommenda-
13 tions with respect to those laws, regulations,
14 rules, or practices that are not directly con-
15 nected to the crime committed and the risk that
16 the ex-offender presents to the community; and

17 “(C) affords members of the public an op-
18 portunity to participate in the process described
19 in this subsection; and

20 “(5) includes the use of a State, local, terri-
21 torial, or tribal task force, as referenced in sub-
22 section (i), to carry out the activities funded under
23 the grant.

1 “(f) PRIORITY CONSIDERATION.—The Attorney Gen-
2 eral shall give priority to grant applications under this sec-
3 tion that best—

4 “(1) focus initiative on geographic areas with a
5 high population of ex-offenders;

6 “(2) include partnerships with nonprofit organi-
7 zations;

8 “(3) provide consultations with crime victims
9 and former incarcerated prisoners and their families;

10 “(4) review the process by which the State and
11 local governments adjudicate violations of parole,
12 probation, or post incarceration supervision and con-
13 sider reforms to maximize the use of graduated,
14 community-based sanctions for minor and technical
15 violations of parole, probation, or post incarceration
16 supervision;

17 “(5) establish prerelease planning procedures
18 for prisoners to ensure that a prisoner’s eligibility
19 for Federal or State benefits (including Medicaid,
20 Medicare, Social Security, and Veterans benefits)
21 upon release is established prior to release, subject
22 to any limitations in law, and to ensure that pris-
23 oners are provided with referrals to appropriate so-
24 cial and health services or are linked to appropriate
25 nonprofit organizations;

1 “(6) include an agreement that the applicant,
2 in consultation with the National Institute of Jus-
3 tice, will modify the project design, initially and dur-
4 ing the project, in order to facilitate the evaluation
5 of outcomes by means, including (to the maximum
6 extent feasible) random assignment of offenders and
7 ex-offenders (or entities working with such persons)
8 to program delivery and control groups; and

9 “(7) target high-risk offenders for reentry pro-
10 grams through validated assessment tools.

11 “(g) USES OF GRANT FUNDS.—

12 “(1) FEDERAL SHARE.—The Federal share of a
13 grant received under this section may not exceed 75
14 percent of the project funded under the grant, unless
15 the Attorney General—

16 “(A) waives, in whole or in part, the re-
17 quirement of this paragraph; and

18 “(B) publicly delineates the rationale for
19 the waiver.

20 “(2) SUPPLEMENT NOT SUPPLANT.—Federal
21 funds received under this section shall be used to
22 supplement, not supplant, non-Federal funds that
23 would otherwise be available for the activities funded
24 under this section.

25 “(h) REENTRY STRATEGIC PLAN.—

1 “(1) IN GENERAL.—As a condition of receiving
2 financial assistance under this section, each appli-
3 cant shall develop a comprehensive strategic reentry
4 plan that contains measurable annual and 5 year
5 performance outcomes. The plan shall have as a goal
6 to reduce the rate of recidivism of incarcerated per-
7 sons served with funds from this section by 50 per-
8 cent over a period of 5 years.

9 “(2) COORDINATION.—In developing reentry
10 plans under this subsection, applicants shall coordi-
11 nate with communities and stakeholders, including
12 persons in the fields of public safety, corrections,
13 housing, health, education, substance abuse, children
14 and families, employment, business and members of
15 nonprofit organizations that provide reentry services.

16 “(3) MEASUREMENTS OF PROGRESS.—Each re-
17 entry plan developed under this subsection shall
18 measure the applicant’s progress toward increasing
19 public safety by reducing rates of recidivism and en-
20 abling released offenders to transition successfully
21 back into their communities.

22 “(i) REENTRY TASK FORCE.—

23 “(1) IN GENERAL.—As a condition of receiving
24 financial assistance under this section, each appli-
25 cant shall establish or empower a Reentry Task

1 Force, or other relevant convening authority, to ex-
2 amine ways to pool existing resources and funding
3 streams to promote lower recidivism rates for re-
4 turning ex-offenders and to minimize the harmful ef-
5 fects of incarceration on families and communities
6 by collecting data and best practices in offender re-
7 entry from demonstration grantees and other agen-
8 cies and organizations, and to provide a plan, as de-
9 scribed in subsection (e)(4).

10 “(2) MEMBERSHIP.—The task force or other
11 authority shall be comprised of relevant—

12 “(A) State, tribal, territorial, or local lead-
13 ers;

14 “(B) agencies;

15 “(C) service providers;

16 “(D) nonprofit organizations; and

17 “(E) stakeholders.

18 “(j) STRATEGIC PERFORMANCE OUTCOMES.—

19 “(1) IN GENERAL.—Each applicant shall iden-
20 tify in their reentry strategic plan, as referenced in
21 subsection (h), specific performance outcomes re-
22 lated to the long-term goals of increasing public
23 safety and reducing recidivism.

24 “(2) PERFORMANCE OUTCOMES.—The perform-
25 ance outcomes identified under paragraph (1) shall

1 include, with respect to offenders released back into
2 the community—

3 “(A) reduction in recommitment rates;

4 “(B) reduction in crime;

5 “(C) increased employment and education
6 opportunities;

7 “(D) reduction in violations of conditions
8 of supervised release;

9 “(E) increased child support;

10 “(F) increased housing opportunities;

11 “(G) reduction in drug and alcohol abuse;

12 and

13 “(H) increased participation in substance
14 abuse and mental health services.

15 “(3) OTHER OUTCOMES.—States may include
16 in their reentry strategic plan other performance
17 outcomes that increase the success rates of offenders
18 who transition from prison.

19 “(4) COORDINATION.—Applicants should co-
20 ordinate with communities and stakeholders about
21 the selection of performance outcomes identified by
22 the applicant, and should consult with the Depart-
23 ment of Justice for assistance with data collection
24 and measurement activities.

1 “(5) REPORT.—Each grantee under this section
2 shall submit an annual report to the Department of
3 Justice that—

4 “(A) identifies the grantee’s progress to-
5 ward achieving its strategic performance out-
6 comes; and

7 “(B) describes other activities conducted
8 by the grantee to increase the success rates of
9 the reentry population, such as programs that
10 foster effective risk management and treatment
11 programming, offender accountability, and com-
12 munity and victim participation.

13 “(k) PERFORMANCE MEASUREMENT.—

14 “(1) IN GENERAL.—The Department of Jus-
15 tice, in consultation with the grantees, shall—

16 “(A) identify primary and secondary
17 sources of information to support the measure-
18 ment of the performance indicators identified
19 under this section;

20 “(B) identify sources and methods of data
21 collection in support of performance measure-
22 ment required under this section;

23 “(C) provide to all grantees technical as-
24 sistance and training on performance measures

1 and data collection for purposes of this section;
2 and

3 “(D) coordinate with the Substance Abuse
4 and Mental Health Services Administration on
5 strategic performance outcome measures and
6 data collection for purposes of this section relat-
7 ing to substance abuse and mental health.

8 “(2) COORDINATION.—The Department of Jus-
9 tice shall coordinate with other Federal agencies to
10 identify national and other sources of information to
11 support grantee’s performance measurement.

12 “(3) STANDARDS FOR ANALYSIS.—Any statis-
13 tical analysis of population data conducted pursuant
14 to this section shall be conducted in accordance with
15 the Federal Register Notice dated October 30, 1997,
16 relating to classification standards.

17 “(1) FUTURE ELIGIBILITY.—To be eligible to receive
18 a grant under this section for fiscal years after the first
19 receipt of such a grant, a grantee shall submit to the At-
20 torney General such information as is necessary to dem-
21 onstrate that—

22 “(1) the grantee has adopted a reentry plan
23 that reflects input from nonprofit organizations;

24 “(2) the grantee’s reentry plan includes per-
25 formance measures to assess the grantee’s progress

1 toward increasing public safety by reducing by 10
2 percent over the 2-year period the rate at which in-
3 dividuals released from prison who participate in the
4 reentry system supported by Federal funds are re-
5 committed to prison; and

6 “(3) the grantee will coordinate with the De-
7 partment of Justice, nonprofit organizations, and
8 other experts regarding the selection and implemen-
9 tation of the performance measures described in sub-
10 section (k).

11 “(m) NATIONAL ADULT AND JUVENILE OFFENDER
12 REENTRY RESOURCE CENTER.—

13 “(1) AUTHORITY.—The Attorney General may,
14 using amounts made available to carry out this sub-
15 section, make a grant to an eligible organization to
16 provide for the establishment of a National Adult
17 and Juvenile Offender Reentry Resource Center.

18 “(2) ELIGIBLE ORGANIZATION.—An organiza-
19 tion eligible for the grant under paragraph (1) is
20 any national nonprofit organization approved by the
21 Federal task force established under section 4 of the
22 Second Chance Act of 2005, that provides technical
23 assistance and training to, and has special expertise
24 and broad, national-level experience in offender re-
25 entry programs, training, and research.

1 “(3) USE OF FUNDS.—The organization receiv-
2 ing the grant shall establish a National Adult and
3 Juvenile Offender Reentry Resource Center to—

4 “(A) provide education, training, and tech-
5 nical assistance for States, tribes, territories,
6 local governments, service providers, nonprofit
7 organizations, and corrections institutions;

8 “(B) collect data and best practices in of-
9 fender reentry from demonstration grantees and
10 others agencies and organizations;

11 “(C) develop and disseminate evaluation
12 tools, mechanisms, and measures to better as-
13 sess and document coalition performance meas-
14 ures and outcomes;

15 “(D) disseminate knowledge to States and
16 other relevant entities about best practices, pol-
17 icy standards, and research findings;

18 “(E) develop and implement procedures to
19 assist relevant authorities in determining when
20 release is appropriate and in the use of data to
21 inform the release decision;

22 “(F) develop and implement procedures to
23 identify efficiently and effectively those violators
24 of probation, parole, or post incarceration su-
25 pervision who should be returned to prison and

1 those who should receive other penalties based
2 on defined, graduated sanctions;

3 “(G) collaborate with the Federal task
4 force established under section 4 of the Second
5 Chance Act of 2005, and the Federal Resource
6 Center for Children of Prisoners;

7 “(H) develop a national research agenda;
8 and

9 “(I) bridge the gap between research and
10 practice by translating knowledge from research
11 into practical information.

12 “(4) LIMIT.—Of amounts made available to
13 carry out this section, not more than 4 percent shall
14 be available to carry out this subsection.

15 “(n) ADMINISTRATION.—Of amounts made available
16 to carry out this section—

17 “(1) not more than 2 percent shall be available
18 for administrative expenses in carrying out this sec-
19 tion; and

20 “(2) not more than 2 percent shall be made
21 available to the National Institute of Justice to
22 evaluate the effectiveness of the demonstration
23 projects funded under section 2976 of the Omnibus
24 Crime and Control and Safe Streets Act of 1968 (42

1 U.S.C. 3797w) as amended by this section, using a
2 methodology that—

3 “(A) includes, to the maximum extent fea-
4 sible, random assignment of offenders or ex-of-
5 fenders (or entities working with such persons)
6 to program delivery and control groups; and

7 “(B) generates evidence on which reentry
8 approaches and strategies are most effective.”.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
10 2976 of the Omnibus Crime Control and Safe Streets Act
11 of 1968 (42 U.S.C. 3797w) is amended in subsection
12 (o)(1), as so redesignated by subsection (c) of this section,
13 by striking “and \$16,000,000 for fiscal year 2005” and
14 inserting “\$100,000,000 for fiscal year 2006, and
15 \$100,000,000 for fiscal year 2007”.

16 (e) GRANT AUTHORIZATION.—Section 2976(a) of the
17 Omnibus Crime Control and Safe Streets Act of 1968 (42
18 U.S.C. 3797w(a)) is amended by striking “States, Terri-
19 tories” and all that follows through the period at the end
20 and inserting “States, local governments, territories, or
21 Indian tribes, or any combination thereof, in partnership
22 with stakeholders, service providers, and nonprofit organi-
23 zations, for purpose of establishing adult and juvenile of-
24 fender reentry demonstration projects.”.

1 **SEC. 4. TASK FORCE ON FEDERAL PROGRAMS AND ACTIVI-**
2 **TIES RELATING TO REENTRY OF OFFENDERS.**

3 (a) **TASK FORCE REQUIRED.**—The Attorney General,
4 in consultation with the Secretary of Housing and Urban
5 Development, the Secretary of Labor, the Secretary of
6 Education, the Secretary of Health and Human Services,
7 the Secretary of Veterans Affairs, the Secretary of Agri-
8 culture, and the heads of such other elements of the Fed-
9 eral Government as the Attorney General considers appro-
10 priate, and in collaboration with stakeholders, service pro-
11 viders, nonprofit organizations, States, tribes, territories,
12 and local governments, shall establish an interagency task
13 force on Federal programs and activities relating to the
14 reentry of offenders into the community.

15 (b) **DUTIES.**—The task force required by subsection
16 (a) shall—

17 (1) identify such programs and activities that
18 may be resulting in overlapping or duplication of
19 services, the scope of such overlapping or duplica-
20 tion, and the relationship of such overlapping and
21 duplication to public safety, public health, and effec-
22 tiveness and efficiency;

23 (2) identify methods to improve collaboration
24 and coordination of such programs and activities;

25 (3) identify areas of responsibility in which im-
26 proved collaboration and coordination of such pro-

1 grams and activities would result in increased effec-
2 tiveness or efficiency;

3 (4) develop innovative interagency or intergov-
4 ernmental programs, activities, or procedures that
5 would improve outcomes of reentering offenders and
6 children of offenders;

7 (5) develop methods for increasing regular com-
8 munication that would increase interagency program
9 effectiveness;

10 (6) identify areas of research that can be co-
11 ordinated across agencies with an emphasis on ap-
12 plying science-based practices to support, treatment,
13 and intervention programs for reentering offenders;

14 (7) identify funding areas that should be co-
15 ordinated across agencies and any gaps in funding;
16 and

17 (8) in collaboration with the National Adult and
18 Juvenile Offender Reentry Resources Center identify
19 successful programs currently operating and collect
20 best practices in offender reentry from demonstra-
21 tion grantees and other agencies and organizations,
22 determine the extent to which such programs and
23 practices can be replicated, and make information on
24 such programs and practices available to States, lo-
25 calities, nonprofit organizations, and others.

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, the task force es-
4 tablished under subsection (a) shall submit a report,
5 including recommendations, to Congress on barriers
6 to reentry. The task force shall provide for public
7 input in preparing the report.

8 (2) CONTENTS.—The report required by para-
9 graph (1) shall identify Federal and other barriers
10 to successful reentry of offenders into the commu-
11 nity and analyze the effects of such barriers on of-
12 fenders and on children and other family members
13 of offenders, including barriers relating to—

14 (A) child support obligations and proce-
15 dures;

16 (B) Social Security benefits, including bar-
17 riers in timely restoration of suspended dis-
18 ability benefits immediately upon release, Vet-
19 erans benefits, food stamps, and other forms of
20 Federal public assistance;

21 (C) Medicaid and Medicare laws, regula-
22 tions, guidelines or procedures, including bar-
23 riers in timely restoration of benefits caused by
24 delay in reinstatement of suspended Social Se-
25 curity disability benefits;

1 (D) education programs, financial assist-
2 ance, and full civic participation;

3 (E) TANF program funding criteria and
4 other welfare benefits;

5 (F) sustainable employment and career ad-
6 vancement, that are not directly connected to
7 the crime committed and the risk that the ex-
8 offender presents to the community;

9 (G) laws, regulations, rules, and practices
10 that restrict Federal employment licensure and
11 participation in Federal contracting programs;

12 (H) admissions to and evictions from Fed-
13 eral housing programs, including—

14 (i) examining the number and charac-
15 teristics of ex-offenders who are evicted
16 from or denied eligibility for Federal hous-
17 ing programs;

18 (ii) the effect of eligibility denials and
19 evictions on homelessness, family stability
20 and family reunification;

21 (iii) the extent to which arrest records
22 are the basis for denying applications;

23 (iv) the implications of considering
24 misdemeanors 5 or more years old and
25 felonies 10 or more years old and the ap-

1 appropriateness of taking into account reha-
2 bilitation and other mitigating factors; and

3 (v) the feasibility of using proba-
4 tionary or conditional eligibility based on
5 participation in a supervised rehabilitation
6 program or other appropriate social serv-
7 ices;

8 (I) reentry procedures, case planning, and
9 transitions of persons from the custody of the
10 Federal Bureau of Prisons to a Federal parole
11 or probation program or community corrections;

12 (J) laws, regulations, rules, and practices
13 that may require a parolee to return to the
14 same county that the parolee was living in prior
15 to his or her arrest, and the potential for
16 changing such laws, regulations, rules, and
17 practices so that the parolee may change his or
18 her location upon release, and not settle in the
19 same location with persons who may be a nega-
20 tive influence; and

21 (K) prerelease planning procedures for
22 prisoners to ensure that a prisoner's eligibility
23 for Federal or State benefits (including Med-
24 icaid, Medicare, Social Security and Veterans
25 benefits) upon release is established prior to re-

1 lease, subject to any limitations in law; and to
2 ensure that prisoners are provided with refer-
3 rals to appropriate social and health services or
4 are linked to appropriate nonprofit organiza-
5 tions.

6 (d) ANNUAL REPORTS.—On an annual basis, the
7 task force required by subsection (a) shall submit to Con-
8 gress a report on the activities of the task force, including
9 specific recommendations of the task force on matters re-
10 ferred to in subsection (b). Any statistical analysis of pop-
11 ulation data pursuant to this section shall be conducted
12 in accordance with the Federal Register Notice dated Oc-
13 tober 30, 1997, relating to classification standards.

14 **SEC. 5. OFFENDER REENTRY RESEARCH.**

15 (a) NATIONAL INSTITUTE OF JUSTICE.—From
16 amounts made available to carry out this Act, the National
17 Institute of Justice may conduct research on offender re-
18 entry, including—

19 (1) a study identifying the number and charac-
20 teristics of children who have had a parent incarcer-
21 ated and the likelihood of these minors becoming in-
22 volved in the criminal justice system some time in
23 their lifetime;

24 (2) a study identifying a mechanism to compare
25 rates of recidivism (including rearrest, violations of

1 parole, probation, post incarceration supervision, and
2 reincarceration) among States; and

3 (3) a study on the population of individuals re-
4 leased from custody who do not engage in recidivism
5 and the characteristics (housing, employment, treat-
6 ment, family connection) of that population.

7 (b) BUREAU OF JUSTICE STATISTICS.—From
8 amounts made available to carry out this Act, the Bureau
9 of Justice Statistics may conduct research on offender re-
10 entry, including—

11 (1) an analysis of special populations, including
12 prisoners with mental illness or substance abuse dis-
13 orders, female offenders, juvenile offenders, limited
14 English proficiency, and the elderly, that present
15 unique reentry challenges;

16 (2) studies to determine who is returning to
17 prison or jail and which of those returning prisoners
18 represent the greatest risk to community safety;

19 (3) annual reports on the profile of the popu-
20 lation coming out of prisons, jails, and juvenile jus-
21 tice facilities;

22 (4) a national recidivism study every 3 years;
23 and

24 (5) a study of parole, probation, or post incar-
25 ceration supervision violations and revocations.

1 **SEC. 6. CHILDREN OF INCARCERATED PARENTS AND FAMI-**
2 **LIES.**

3 The Secretary of Health and Human Services may—

4 (1) review, and make available to States, a re-
5 port on any recommendations regarding the role of
6 State child protective services at the time of the ar-
7 rest of a person; and

8 (2) by regulation, establish such services as the
9 Secretary determines necessary for the preservation
10 of families that have been impacted by the incarcer-
11 ation of a family member with special attention
12 given to the impact on children.

13 **SEC. 7. ENCOURAGEMENT OF EMPLOYMENT OF FORMER**
14 **PRISONERS.**

15 The Secretary of Labor shall take such steps as are
16 necessary to implement a program, including the Employ-
17 ment and Training Administration, to educate employers
18 and 1-stop center workforce development providers about
19 existing incentives, including the Federal bonding program
20 and tax credits for hiring former Federal, State, or local
21 prisoners.

22 **SEC. 8. FEDERAL RESOURCE CENTER FOR CHILDREN OF**
23 **PRISONERS.**

24 There are authorized to be appropriated to the Sec-
25 retary of Health and Human Services for fiscal years 2006
26 and 2007, such sums as may be necessary for the con-

1 tinuing activities of the Federal Resource Center for Chil-
 2 dren of Prisoners, including conducting a review of the
 3 policies and practices of State and Federal corrections
 4 agencies to support parent-child relationships.

5 **SEC. 9. USE OF VIOLENT OFFENDER TRUTH-IN-SEN-**
 6 **TENCING GRANT FUNDING FOR DEMONSTRA-**
 7 **TION PROJECT ACTIVITIES.**

8 Section 20102(a) of the Violent Crime Control and
 9 Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is
 10 amended—

11 (1) in paragraph (2), by striking “and” at the
 12 end;

13 (2) in paragraph (3), by striking the period at
 14 the end and inserting “; and”; and

15 (3) by adding at the end the following new
 16 paragraph:

17 “(4) to carry out any activity referred to in
 18 subsections (b) and (c) of section 2976 of the Omni-
 19 bus Crime Control and Safe Streets Act of 1968 (42
 20 U.S.C. 3797w (b), (c)).”.

21 **SEC. 10. GRANTS TO STUDY PAROLE OR POST-INCARCER-**
 22 **ATION SUPERVISION VIOLATIONS AND REV-**
 23 **OCATIONS.**

24 (a) GRANTS AUTHORIZED.—From amounts made
 25 available to carry out this section, the Attorney General

1 may award grants to States to study and to improve the
2 collection of data with respect to individuals whose parole
3 or post incarceration supervision is revoked and which
4 such individuals represent the greatest risk to community
5 safety.

6 (b) APPLICATION.—As a condition of receiving a
7 grant under this section, a State shall—

8 (1) certify that the State has, or intends to es-
9 tablish, a program that collects comprehensive and
10 reliable data with respect to individuals described in
11 subsection (a), including data on—

12 (A) the number and type of parole or post
13 incarceration supervision violations that occur
14 with the State;

15 (B) the reasons for parole or post-incarcer-
16 ation supervision revocation;

17 (C) the underlying behavior that led to the
18 revocation; and

19 (D) the term of imprisonment or other
20 penalty that is imposed for the violation; and

21 (2) provide the data described in paragraph (1)
22 to the Bureau of Justice Statistics, in a form pre-
23 scribed by the Bureau. Any statistical analysis of
24 population data pursuant to this section shall be
25 conducted in accordance with the Federal Register

1 Notice dated October 30, 1997, relating to classifica-
2 tion standards.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$1,000,000 for each fiscal years 2006 and 2007.

6 **SEC. 11. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE**
7 **ABUSE TREATMENT FOR STATE PRISONERS**
8 **PROGRAM.**

9 (a) DEFINITION.—Section 1902 of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
11 3796ff–1) is amended by—

12 (1) redesignating subsections (e) through (f) as
13 subsections (d) through (g), respectively; and

14 (2) inserting after subsection (b) the following:

15 “(c) RESIDENTIAL SUBSTANCE ABUSE TREAT-
16 MENT.—In this section, the term ‘residential substance
17 abuse treatment’—

18 “(1) means a course of individual and group ac-
19 tivities and treatment, lasting at least 6 months, in
20 residential treatment facilities set apart from the
21 general prison population; and

22 “(2) can include the use of pharmacotherapies
23 where appropriate, that may extend beyond the 6-
24 month period.”.

1 (b) REQUIREMENT FOR AFTER CARE COMPONENT.—
2 Subsection (d) of section 1902 of the Omnibus Crime Con-
3 trol and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1),
4 as so redesignated by subsection (a) of this section, is
5 amended—

6 (1) in the subsection heading, by striking “ELI-
7 GIBILITY FOR PREFERENCE WITH AFTER CARE
8 COMPONENT” and inserting “REQUIREMENT FOR
9 AFTER CARE COMPONENT”;

10 (2) by amending paragraph (1) to read as fol-
11 lows:

12 “(1) To be eligible for funding under this part,
13 a State shall ensure that individuals who participate
14 in the substance abuse treatment program estab-
15 lished or implemented with assistance provided
16 under this part will be provided with after care serv-
17 ices.”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(4) After care services required by this sub-
21 section shall be funded by the funding provided in
22 this part.”.

1 **SEC. 12. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL**
2 **PRISONS.**

3 Section 3621(e)(5)(A) of title 18, United States
4 Code, is amended by striking “means a course of” and
5 all that follows through the semicolon at the end and in-
6 serting the following: “means a course of individual and
7 group activities and treatment, lasting at least 6 months,
8 in residential treatment facilities set apart from the gen-
9 eral prison population, which may include the use of
10 pharmacotherapies, where appropriate, that may extend
11 beyond the 6-month period;”.

12 **SEC. 13. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS**
13 **AVAILABLE FOR CORRECTIONS EDUCATION**
14 **PROGRAMS UNDER THE ADULT EDUCATION**
15 **AND FAMILY LITERACY ACT.**

16 (a) IN GENERAL.—Section 222(a)(1) of the Adult
17 Education and Family Literacy Act (20 U.S.C.
18 9222(a)(1)) is amended by striking “, of which not more
19 than 10 percent of the 82.5 percent shall be available to
20 carry out section 225”.

21 (b) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Education
23 shall submit to Congress a report—

24 (1) on the use of literacy funds to correctional
25 institutions as defined in section 225(d)(2) of the

1 Adult Education and Family Literacy Act (20
2 U.S.C. 9224); and

3 (2) that specifies the amount of literacy funds
4 that are provided to each category of correctional in-
5 stitution in each State, and identify whether funds
6 are being sufficiently allocated among the various
7 types of institutions.

8 **SEC. 14. TECHNICAL AMENDMENT TO DRUG-FREE STU-**
9 **DENT LOANS PROVISION TO ENSURE THAT IT**
10 **APPLIES ONLY TO OFFENSES COMMITTED**
11 **WHILE RECEIVING FEDERAL AID.**

12 Section 484(r)(1) of the Higher Education Act of
13 1965 (20 U.S.C. 1091(r)(1)) is amended by striking “A
14 student” and all that follows through “table:” and insert-
15 ing the following: “A student who is convicted of any of-
16 fense under any Federal or State law involving the posses-
17 sion or sale of a controlled substance for conduct that oc-
18 curred during a period of enrollment for which the student
19 was receiving any grant, loan, or work assistance under
20 this title shall not be eligible to receive any grant, loan,
21 or work assistance under this title from the date of that
22 conviction for the period of time specified in the following
23 table:”.

1 **SEC. 15. MENTORING GRANTS TO NONPROFIT ORGANIZA-**
2 **TIONS.**

3 (a) **AUTHORITY TO MAKE GRANTS.**—From amounts
4 made available to carry out this section, the Attorney Gen-
5 eral of the United States, in collaboration with the Sec-
6 retary of Labor and the Secretary of Housing and Urban
7 Development, shall make grants to nonprofit organizations
8 for the purpose of providing mentoring and other transi-
9 tional services essential to reintegrating ex-offenders.

10 (b) **USE OF FUNDS.**—Grant funds awarded under
11 subsection (a) may be used for—

12 (1) mentoring adult and juvenile offenders dur-
13 ing incarceration, through transition back to the
14 community, and post release; and

15 (2) transitional services to assist in the re-
16 integration of ex-offenders into the community.

17 (c) **APPLICATION; PRIORITY CONSIDERATION.**—To
18 be eligible to receive a grant under this section, a nonprofit
19 organization shall submit an application to the Attorney
20 General based on criteria developed by the Attorney Gen-
21 eral in consultation with the Secretary of Labor and the
22 Secretary of Housing and Urban Development. Applicants
23 will be given priority consideration if the application—

24 (1) includes a plan to implement activities that
25 have been demonstrated effective in facilitating the
26 successful reentry of offenders; and

1 (2) provides for an independent evaluation that
2 includes, to the maximum extent feasible, random
3 assignment of offenders or ex-offenders to program
4 delivery and control groups.

5 (d) STRATEGIC PERFORMANCE OUTCOMES.—The At-
6 torney General shall require each applicant under this sec-
7 tion to identify specific performance outcomes related to
8 the long-term goal of stabilizing communities by reducing
9 recidivism and re-integrating ex-offenders into society.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Department of
12 Justice to carry out this section \$25,000,000 for each of
13 fiscal years 2006 and 2007.

14 **SEC. 16. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**
15 **ONER IN COMMUNITY CORRECTIONS.**

16 Section 3624(c) of title 18, United States Code, is
17 amended to read as follows:

18 “(c) PRERELEASE CUSTODY.—

19 “(1) IN GENERAL.—The Bureau of Prisons
20 shall, to the extent practicable, assure that a pris-
21 oner serving a term of imprisonment spends 20 per-
22 cent of the final portion of the term, not to exceed
23 12 months, to be served under conditions that will
24 afford the prisoner a reasonable opportunity to ad-
25 just to and prepare for the prisoner’s reentry into

1 the community. Such conditions may include a com-
 2 munity correctional facility.

3 “(2) AUTHORITY.—This subsection authorizes
 4 the Bureau of Prisons to place a prisoner in home
 5 confinement for the last 10 percent of the term to
 6 be served, not to exceed 6 months.

7 “(3) ASSISTANCE.—The United States Proba-
 8 tion System shall, to the extent practicable, offer as-
 9 sistance to a prisoner during such prerelease cus-
 10 tody.

11 “(4) NO LIMITATIONS.—Nothing in this sub-
 12 section shall be construed to limit or restrict the au-
 13 thority of the Bureau of Prisons granted under sec-
 14 tion 3621 of this title.”.

15 **SEC. 17. GRANTS TO STATES FOR IMPROVED WORKPLACE**
 16 **AND COMMUNITY TRANSITION TRAINING FOR**
 17 **INCARCERATED YOUTH OFFENDERS.**

18 Section 821 of the Higher Education Amendments of
 19 1998 (20 U.S.C. 1151) is amended to read as follows:

20 **“SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE**
 21 **AND COMMUNITY TRANSITION TRAINING FOR**
 22 **INCARCERATED YOUTH OFFENDERS.**

23 “(a) DEFINITION.—For purposes of this section, the
 24 term ‘youth offender’ means a male or female offender

1 under the age of 35, who is incarcerated in a State prison,
2 including a prerelease facility.

3 “(b) GRANT PROGRAM.—The Secretary of Education
4 (in this section referred to as the ‘Secretary’)—

5 “(1) shall establish a program in accordance
6 with this section to provide grants to the State cor-
7 rectional education agencies in the States, from allo-
8 cations for the States under subsection (h), to assist
9 and encourage youth offenders to acquire functional
10 literacy, life, and job skills, through—

11 “(A) the pursuit of a postsecondary edu-
12 cation certificate, or an associate or bachelor’s
13 degree while in prison; and

14 “(B) employment counseling and other re-
15 lated services which start during incarceration
16 and end not later than 1 year after release from
17 confinement; and

18 “(2) may establish such performance objectives
19 and reporting requirements for State correctional
20 education agencies receiving grants under this sec-
21 tion as the Secretary determines are necessary to as-
22 sess the effectiveness of the program under this sec-
23 tion.

24 “(c) APPLICATION.—To be eligible for a grant under
25 this section, a State correctional education agency shall

1 submit to the Secretary a proposal for a youth offender
2 program that—

3 “(1) identifies the scope of the problem, includ-
4 ing the number of youth offenders in need of post-
5 secondary education and vocational training;

6 “(2) lists the accredited public or private edu-
7 cational institution or institutions that will provide
8 postsecondary educational services;

9 “(3) lists the cooperating agencies, public and
10 private, or businesses that will provide related serv-
11 ices, such as counseling in the areas of career devel-
12 opment, substance abuse, health, and parenting
13 skills;

14 “(4) describes specific performance objectives
15 and evaluation methods (in addition to, and con-
16 sistent with, any objectives established by the Sec-
17 retary under subsection (b)(2)) that the State cor-
18 rectional education agency will use in carrying out
19 its proposal, including—

20 “(A) specific and quantified student out-
21 come measures that are referenced to outcomes
22 for non-program participants with similar de-
23 mographic characteristics; and

1 “(B) measures, consistent with the data
2 elements and definitions described in subsection
3 (d)(1)(A), of—

4 “(i) program completion, including an
5 explicit definition of what constitutes a
6 program completion within the proposal;

7 “(ii) knowledge and skill attainment,
8 including specification of instruments that
9 will measure knowledge and skill attain-
10 ment;

11 “(iii) attainment of employment both
12 prior to and subsequent to release;

13 “(iv) success in employment indicated
14 by job retention and advancement; and

15 “(v) recidivism, including such sub-
16 indicators as time before subsequent of-
17 fense and severity of offense;

18 “(5) describes how the proposed programs are
19 to be integrated with existing State correctional edu-
20 cation programs (such as adult education, graduate
21 education degree programs, and vocational training)
22 and State industry programs;

23 “(6) describes how the proposed programs will
24 have considered or will utilize technology to deliver
25 the services under this section; and

1 “(7) describes how students will be selected so
2 that only youth offenders eligible under subsection
3 (e) will be enrolled in postsecondary programs.

4 “(d) PROGRAM REQUIREMENTS.—Each State correc-
5 tional education agency receiving a grant under this sec-
6 tion shall—

7 “(1) annually report to the Secretary regard-
8 ing—

9 “(A) the results of the evaluations con-
10 ducted using data elements and definitions pro-
11 vided by the Secretary for the use of State cor-
12 rectional education programs;

13 “(B) any objectives or requirements estab-
14 lished by the Secretary pursuant to subsection
15 (b)(2); and

16 “(C) the additional performance objectives
17 and evaluation methods contained in the pro-
18 posal described in subsection (c)(4), as nec-
19 essary to document the attainment of project
20 performance objectives; and

21 “(2) expend on each participating eligible stu-
22 dent for an academic year, not more than the max-
23 imum Federal Pell Grant funded under section 401
24 of the Higher Education Act of 1965 for such aca-
25 demic year, which shall be used for—

1 “(A) tuition, books, and essential mate-
2 rials; and

3 “(B) related services such as career devel-
4 opment, substance abuse counseling, parenting
5 skills training, and health education.

6 “(e) STUDENT ELIGIBILITY.—A youth offender shall
7 be eligible for participation in a program receiving a grant
8 under this section if the youth offender—

9 “(1) is eligible to be released within 5 years (in-
10 cluding a youth offender who is eligible for parole
11 within such time); and

12 “(2) is 35 years of age or younger.

13 “(f) LENGTH OF PARTICIPATION.—A State correc-
14 tional education agency receiving a grant under this sec-
15 tion shall provide educational and related services to each
16 participating youth offender for a period not to exceed 5
17 years, 1 year of which may be devoted to study in a grad-
18 uate education degree program or to remedial education
19 services for students who have obtained a secondary school
20 diploma or its recognized equivalent. Educational and re-
21 lated services shall start during the period of incarceration
22 in prison or prerelease, and the related services may con-
23 tinue for not more than 1 year after release from confine-
24 ment.

1 “(g) EDUCATION DELIVERY SYSTEMS.—State cor-
2 rectional education agencies and cooperating institutions
3 shall, to the extent practicable, use high-tech applications
4 in developing programs to meet the requirements and
5 goals of this section.

6 “(h) ALLOCATION OF FUNDS.—From the funds ap-
7 propriated pursuant to subsection (i) for each fiscal year,
8 the Secretary shall allot to each State an amount that
9 bears the same relationship to such funds as the total
10 number of students eligible under subsection (e) in such
11 State bears to the total number of such students in all
12 States.

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$30,000,000 for fiscal years 2006 and 2007.”.

16 **SEC. 18. CARLIE’S LAW.**

17 (a) PROBATION.—Section 3565(b) of title 18, United
18 States Code, is amended—

19 (1) by striking “or” at the end of paragraph

20 (3);

21 (2) by adding “or” at the end of paragraph (4);

22 and

23 (3) by inserting after paragraph (4) the fol-

24 lowing:

1 “(5) commits a crime of violence against, or an
2 offense that consists of or is intended to facilitate
3 unlawful sexual contact (as defined in section 2246)
4 with, a person who has not attained the age of 16
5 years;”.

6 (b) SUPERVISED RELEASE.—Section 3583(g) of title
7 18, United States Code, is amended—

8 (1) by striking “or” at the end of paragraph
9 (3); and

10 (2) by inserting after paragraph (4) the fol-
11 lowing:

12 “(5) commits a crime of violence against, or an
13 offense that consists of or is intended to facilitate
14 unlawful sexual contact (as defined in section 2246)
15 with, a person who has not attained the age of 16
16 years;”.

17 **SEC. 19. IMPROVED REENTRY PROCEDURES FOR FEDERAL**
18 **PRISONERS.**

19 (a) GENERAL REENTRY PROCEDURES.—The Depart-
20 ment of Justice shall take such steps as are necessary to
21 modify existing procedures and policies to enhance case
22 planning and to improve the transition of persons from
23 the custody of the Bureau of Prisons to the community,
24 including placement of such individuals in community cor-
25 rections facilities.

1 (b) PROCEDURES REGARDING BENEFITS.—

2 (1) IN GENERAL.—The Bureau of Prisons shall
3 establish reentry planning procedures within the Re-
4 lease Preparation Program that include providing
5 Federal inmates with information in the following
6 areas:

7 (A) Health and nutrition.

8 (B) Employment.

9 (C) Personal finance and consumer skills.

10 (D) Information and community resources.

11 (E) Release requirements and procedures.

12 (F) Personal growth and development.

13 (2) FORMAT.—Any written information that the
14 Bureau of Prisons provides to inmates for reentry
15 planning purposes shall use common terminology
16 and language. The Bureau of Prisons shall provide
17 the United States Probation and Pretrial Services
18 System with relevant information on the medical
19 care needs and the mental health treatment needs of
20 releasing inmates. The United States Probation and
21 Pretrial Services System shall take this information
22 into account when developing supervision plans in an
23 effort to address the medical care and mental health
24 care needs of these individuals. The Bureau of Pris-
25 ons shall provide inmates with a sufficient amount

1 of all necessary medications upon release from cus-
2 tody.

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