

S. 2910. A bill to amend title XVIII of the Social Security Act to permit the expansion of medical residency training programs in geriatric medicine; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 341. A resolution authorizing the printing of certain materials in honor of Paul Coverdell.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN:

S. 2908. A bill to authorize funding for successful reentry of criminal offenders into local communities; to the Committee on the Judiciary.

THE OFFENDER REENTRY AND COMMUNITY SAFETY ACT OF 2000

Mr. BIDEN. Mr. President, today I am proud to introduce the Offender Reentry and Community Safety Act of 2000. I am introducing this legislation because all too often we have short-term solutions for long-term problems. All too often we think about today, but not tomorrow. It's time that we start looking forward. It's time that we face the dire situation of prisoners re-entering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing and deficient basic life skills.

According to the Department of Justice, 1.25 million offenders are now living in prisons and another 600,000 offenders are incarcerated in local jails. A record number of those inmates—approximately 585,400 will return to communities this year. Historically, two-thirds of returning prisoners have been rearrested for new crimes within three years.

The safety threat posed by this volume of prisoner returns has been exacerbated by the fact that states and communities can't possibly properly supervise all their returning offenders, parole systems have been abolished in thirteen states and policy shifts toward more determinate sentencing have reduced the courts' authority to impose supervisory conditions on offenders returning to their communities.

State systems have also reduced the numbers of transitional support programs aimed at facilitating the return to productive community life styles. Recent studies indicate that many returning prisoners receive no help in finding employment upon release and most offenders have low literacy and other basic educational skills that can impede successful reentry.

At least 55 percent of offenders are fathers of minor children, and therefore face a number of issues related to

child support and other family responsibilities during incarceration and after release. Substance abuse and mental health problems also add to concerns over community safety. Approximately 70 percent of state prisoners and 57 percent of federal prisoners have a history of drug use or abuse. Research by Justice indicates that between 60 and 75 percent of inmates with heroin or cocaine problems return to drugs within three months when untreated. An estimated 187,000 state and federal prison inmates have self-reported mental health problems. Mentally ill inmates are more likely than other offenders to have committed a violent offense and be violent recidivists. Few states connect mental health treatment in prisons with treatment in the return community. Finally, offenders with contagious diseases such as HIV/AIDS and tuberculosis are released with no viable plan to continue their medical treatment so they present a significant danger to public health. And while the federal prison population and reentry system differs from the state prison population and reentry systems, there are nonetheless significant reentry challenges at the federal level.

We need to start thinking about what to do with these people. We need to start thinking in terms of helping these people make a transition to the community so that they don't go back to a life of crime and can be productive members of our society. We need to start thinking about the long-term impact of what we do after we send people to jail.

My legislation creates demonstration reentry programs for federal, state and local prisoners. The programs are designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of reoffending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully reintegrate into society.

Innovative strategies and emerging technologies present new opportunities to improve reentry systems. This legislation creates federal and state demonstration projects that utilize these strategies and technologies. The projects share many core components, including a more seamless reentry system, reentry officials who are more directly involved with the offender and who can swiftly impose intermediate sanctions if the offender does not follow the designated reentry plan, and the combination of enhanced service delivery and enhanced monitoring. The different projects are targeted at different prisoner populations and each has some unique features. The promise of the legislation is to establish the demonstration projects and then to rig-

orously evaluate them to determine which measures and strategies most successfully reintegrate prisoners into the community as well as which measures and strategies can be promoted nationally to address the growing national problem of released prisoners.

There are currently 17 unfunded state pilot projects, including one in Delaware, which are being supported with technical assistance by the Department of Justice. My legislation will fund these pilot projects and will encourage states, territories, and Indian tribes to partner with units of local government and other non-profit organizations to establish adult offender reentry demonstration projects. The grants may be expended for implementing graduated sanctions and incentives, monitoring released prisoners, and providing, as appropriate, drug and alcohol abuse testing and treatment, mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services. My legislation also encourages state agencies, municipalities, public agencies, nonprofit organizations and tribes to make agreements with courts to establish "reentry courts" to monitor returning offenders, establish graduated sanctions and incentives, test and treat returning offenders for drug and alcohol abuse, and provide reentering offenders with mental and medical health services, victim impact educational classes, employment training, conflict resolution skills training, and other social services.

This legislation also re-authorizes the drug court program created by Congress in the 1994 Crime Law as a cost-effective, innovative way to deal with non-violent offenders in need of drug treatment. This is the same language as the Drug Court Reauthorization and Improvement Act that I introduced with Senator SPECTER last year.

Rather than just churning people through the revolving door of the criminal justice system, drug courts help these folks to get their acts together so they won't be back. When they graduate from drug court programs they are clean and sober and more prepared to participate in society. In order to graduate, they are required to finish high school or obtain a GED, hold down a job, and keep up with financial obligations including drug court fees and child support payments. They are also required to have a sponsor who will keep them on track.

This program works. And that is not just my opinion. Columbia University's National Center on Addiction and Substance Abuse (CASA) found that these courts are effective at taking offenders with little previous treatment history and keeping them in treatment; that they provide closer supervision than other community programs to which

the offenders could be assigned; that they reduce crime; and that they are cost-effective.

According to the Department of Justice, drug courts save at least \$5,000 per offender each year in prison costs alone. That says nothing of the cost savings associated with future crime prevention. Just as important, scarce prison beds are freed up for violent criminals.

I have saved what may be the most important statistic for last. Two-thirds of drug court participants are parents of young children. After getting sober through the coerced treatment mandated by the court, many of these individuals are able to be real parents again. More than 500 drug-free babies have been born to female drug court participants, a sizable victory for society and the budget alike.

This bill reauthorizes programs to provide for drug treatment in state and federal prisons. According to CASA, 80 percent of the men and women behind bars in the United States today are there because of alcohol or drugs. They were either drunk or high when they committed their crime, broke an alcohol or drug law, stole to support their habit, or have a history of drug or alcohol abuse. The need for drug and alcohol treatment in our nations prisons and jails is clear.

Providing treatment to criminal offenders is not "soft." It is a smart crime prevention policy. If we do not treat addicted offenders before they are released, they will be turned back onto our streets with the same addiction problem that got them in trouble in the first place and they will reoffend. Inmates who are addicted to drugs and alcohol are more likely to be incarcerated repeatedly than those without a substance abuse problem. This is not my opinion, it is fact. According to CASA, 81 percent of inmates with five or more prior convictions have been habitual drug users compared to 41 percent of first-time offenders. Reauthorizing prison-based treatment programs is a good investment and is an important crime prevention initiative.

This legislation is a first step. Someday, we will look back and wonder why we didn't think of this sooner. For now, we need to implement these pilot projects, help people make it in their communities and make our streets safer. I am certain that we will revel in the results.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2808

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 "Offender Reentry and Community Safety Act of 2000".

SEC. 2. FINDINGS.

Congress finds the following:

(1) There are now nearly 1,900,000 individuals in our country's prisons and jails, including over 140,000 individuals under the jurisdiction of the Federal Bureau of Prisons.

(2) Enforcement of offender violations of conditions of releases has sharply increased the number of offenders who return to prison—while revocations comprised 17 percent of State prison admissions in 1980, they rose to 36 percent in 1998.

(3) Although prisoners generally are serving longer sentences than they did a decade ago, most eventually reenter communities; for example, in 1999, approximately 538,000 State prisoners and over 50,000 Federal prisoners a record number were returned to American communities. Approximately 100,000 State offenders return to communities and received no supervision whatsoever.

(4) Historically, two-thirds of returning State prisoners have been rearrested for new crimes within three years, so these individuals pose a significant public safety risk and a continuing financial burden to society.

(5) A key element to effective post-incarceration supervision is an immediate, predetermined, and appropriate response to violations of the conditions of supervision.

(6) An estimated 187,000 State and Federal prison inmates have been diagnosed with mental health problems; about 70 percent of State prisoners and 57 percent of Federal prisoners have a history of drug use or abuse; and nearly 75 percent of released offenders with heroin or cocaine problems return to using drugs within three months if untreated; however, few States link prison mental health treatment programs with those in the return community.

(7) Between 1987 and 1997, the volume of juvenile adjudicated cases resulting in court-ordered residential placements rose 56 percent. In 1997 alone, there were a total of 163,200 juvenile court-ordered residential placements. The steady increase of youth exiting residential placement has strained the juvenile justice aftercare system, however, without adequate supervision and services, youth are likely to relapse, recidivate, and return to confinement at the public's expense.

(8) Emerging technologies and multidisciplinary community-based strategies present new opportunities to alleviate the public safety risk posed by released prisoners while helping offenders to reenter their communities successfully.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish demonstration projects in several Federal judicial districts, the District of Columbia, and in the Federal Bureau of Prisons, using new strategies and emerging technologies that alleviate the public safety risk posed by released prisoners by promoting their successful reintegration into the community;

(2) establish court-based programs to monitor the return of offenders into communities, using court sanctions to promote positive behavior;

(3) establish offender reentry demonstration projects in the states using government and community partnerships to coordinate cost efficient strategies that ensure public safety and enhance the successful reentry into communities of offenders who have completed their prison sentences;

(4) establish intensive aftercare demonstration projects that address public safety and ensure the special reentry needs of ju-

venile offenders by coordinating the resources of juvenile correctional agencies, juvenile courts, juvenile parole agencies, law enforcement agencies, social service providers, and local Workforce Investment Boards; and

(5) rigorously evaluate these reentry programs to determine their effectiveness in reducing recidivism and promoting successful offender reintegration.

TITLE I—FEDERAL REENTRY DEMONSTRATION PROJECTS

SEC. 101. FEDERAL REENTRY CENTER DEMONSTRATION.

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this Act, the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, shall establish the Federal Reentry Center Demonstration project. The project shall involve appropriate prisoners from the Federal prison population and shall utilize community corrections facilities, home confinement, and a coordinated response by Federal agencies to assist participating prisoners, under close monitoring and more seamless supervision, in preparing for and adjusting to reentry into the community.

(b) PROJECT ELEMENTS.—The project authorized by subsection (a) shall include—

(1) a Reentry Review Team for each prisoner, consisting of representatives from the Bureau of Prisons, the United States Probation System, and the relevant community corrections facility, who shall initially meet with the prisoner to develop a reentry plan tailored to the needs of the prisoner and incorporating victim impact information, and will thereafter meet regularly to monitor the prisoner's progress toward reentry and coordinate access to appropriate reentry measures and resources;

(2) regular drug testing, as appropriate;

(3) a system of graduated levels of supervision within the community corrections facility to promote community safety, provide incentives for prisoners to complete the reentry plan, including victim restitution, and provide a reasonable method for imposing immediate sanctions for a prisoner's minor or technical violation of the conditions of participation in the project;

(4) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed;

(5) to the extent practicable, the recruitment and utilization of local citizen volunteers, including volunteers from the faith-based and business communities, to serve as advisers and mentors to prisoners being released into the community;

(6) a description of the methodology and outcome measures that will be used to evaluate the program; and

(7) notification to victims on the status and nature of offenders' reentry plan.

(c) PROBATION OFFICERS.—From funds made available to carry out this Act, the Director of the Administrative Office of the United States Courts shall assign one or more probation officers from each participating judicial district to the Reentry Demonstration project. Such officers shall be assigned to and stationed at the community corrections facility and shall serve on the Reentry Review Teams.

(d) **PROJECT DURATION.**—The Reentry Center Demonstration project shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Attorney General may extend the project for a period of up to 6 months to enable participant prisoners to complete their involvement in the project.

(e) **SELECTION OF DISTRICTS.**—The Attorney General, in consultation with the Judicial Conference of the United States, shall select an appropriate number of Federal judicial districts in which to carry out the Reentry Center Demonstration project.

(f) **COORDINATION OF PROJECTS.**—The Attorney General, may, if appropriate, include in the Reentry Center Demonstration project offenders who participated in the Enhanced In-Prison Vocational Assessment and Training Demonstration project established by section 105 of this Act.

SEC. 102. FEDERAL HIGH-RISK OFFENDER REENTRY DEMONSTRATION.

(a) **AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.**—From funds made available to carry out this Act, the Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, shall establish the Federal High-Risk Offender Reentry Demonstration project. The project shall involve Federal offenders under supervised release who have previously violated the terms of their release following a term of imprisonment and shall utilize, as appropriate and indicated, community corrections facilities, home confinement, appropriate monitoring technologies, and treatment and programming to promote more effective reentry into the community.

(b) **PROJECT ELEMENTS.**—The project authorized by subsection (a) shall include—

(1) participation by Federal prisoners who have previously violated the terms of their release following a term of imprisonment;

(2) use of community corrections facilities and home confinement that, together with the technology referenced in paragraph (5), will be part of a system of graduated levels of supervision;

(3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, and other programming to promote effective reintegration into the community as appropriate;

(4) involvement of a victim advocate and the family of the prisoner, if it is safe for the victim(s), especially in domestic violence cases, to be involved;

(5) the use of monitoring technologies, as appropriate and indicated, to monitor and supervise participating offenders in the community;

(6) a description of the methodology and outcome measures that will be used to evaluate the program; and

(7) notification to victims on the status and nature of a prisoner's reentry plan.

(c) **MANDATORY CONDITION OF SUPERVISED RELEASE.**—In each of the judicial districts in which the demonstration project is in effect, appropriate offenders who are found to have violated a previously imposed term of supervised release and who will be subject to some additional term of supervised release, shall be designated to participate in the demonstration project. With respect to these offenders, the court shall impose additional mandatory conditions of supervised release that each offender shall, as directed by the probation officer, reside at a community corrections facility or participate in a program

of home confinement, or both, and submit to appropriate monitoring, and otherwise participate in the project.

(d) **PROJECT DURATION.**—The Federal High-Risk Offender Reentry Demonstration shall begin not later than six months following the availability of funds to carry out this section, and shall last 3 years. The Director of the Administrative Office of the United States Courts may extend the project for a period of up to six months to enable participating prisoners to complete their involvement in the project.

(e) **SELECTION OF DISTRICTS.**—The Judicial Conference of the United States, in consultation with the Attorney General, shall select an appropriate number of Federal judicial districts in which to carry out the Federal High-Risk Offender Reentry Demonstration project.

SEC. 103. DISTRICT OF COLUMBIA INTENSIVE SUPERVISION, TRACKING, AND REENTRY TRAINING (DC ISTART) DEMONSTRATION.

(a) **AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.**—From funds made available to carry out this Act, the Trustee of the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) shall establish the District of Columbia Intensive Supervision, Tracking and Reentry Training Demonstration (DC ISTART) project. The project shall involve high risk District of Columbia parolees who would otherwise be released into the community without a period of confinement in a community corrections facility and shall utilize intensive supervision, monitoring, and programming to promote such parolees' successful reentry into the community.

(b) **PROJECT ELEMENTS.**—The project authorized by subsection (a) shall include—

(1) participation by appropriate high risk parolees;

(2) use of community corrections facilities and home confinement;

(3) a Reentry Review Team that includes a victim witness professional for each parolee which shall meet with the parolee—by video conference or other means as appropriate—before the parolee's release from the custody of the Federal Bureau of Prisons to develop a reentry plan that incorporates victim impact information and is tailored to the needs of the parolee and which will thereafter meet regularly to monitor the parolee's progress toward reentry and coordinate access to appropriate reentry measures and resources;

(4) regular drug testing, as appropriate;

(5) a system of graduated levels of supervision within the community corrections facility to promote community safety, encourage victim restitution, provide incentives for prisoners to complete the reentry plan, and provide a reasonable method for immediately sanctioning a prisoner's minor or technical violation of the conditions of participation in the project;

(6) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed and indicated;

(7) the use of monitoring technologies, as appropriate;

(8) to the extent practicable, the recruitment and utilization of local citizen volunteers, including volunteers from the faith-

based communities, to serve as advisers and mentors to prisoners being released into the community; and

(9) notification to victims on the status and nature of a prisoner's reentry plan.

(c) **MANDATORY CONDITION OF PAROLE.**—For those offenders eligible to participate in the demonstration project, the United States Parole Commission shall impose additional mandatory conditions of parole such that the offender when on parole shall, as directed by the community supervision officer, reside at a community corrections facility or participate in a program of home confinement, or both, submit to electronic and other remote monitoring, and otherwise participate in the project.

(d) **PROGRAM DURATION.**—The District of Columbia Intensive Supervision, Tracking and Reentry Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Trustee of the Court Services and Offender Supervision Agency of the District of Columbia may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

SEC. 104. FEDERAL INTENSIVE SUPERVISION, TRACKING, AND REENTRY TRAINING (FED ISTART) DEMONSTRATION.

(a) **AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.**—From funds made available to carry out this section, the Director of the Administrative Office of the United States Courts shall establish the Federal Intensive Supervision, Tracking and Reentry Training Demonstration (FED ISTART) project. The project shall involve appropriate high risk Federal offenders who are being released into the community without a period of confinement in a community corrections facility.

(b) **PROJECT ELEMENTS.**—The project authorized by subsection (a) shall include—

(1) participation by appropriate high risk Federal offenders;

(2) significantly smaller caseloads for probation officers participating in the demonstration project;

(3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance obtaining suitable affordable housing, and other programming to promote effective reintegration into the community as needed; and

(4) notification to victims on the status and nature of a prisoner's reentry plan.

(c) **PROGRAM DURATION.**—The Federal Intensive Supervision, Tracking and Reentry Training Demonstration shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Director of the Administrative Office of the United States Courts may extend the project for a period of up to six months to enable participating prisoners to complete their involvement in the project.

(d) **SELECTION OF DISTRICTS.**—The Judicial Conference of the United States, in consultation with the Attorney General, shall select an appropriate number of Federal judicial districts in which to carry out the Federal Intensive Supervision, Tracking and Reentry Training Demonstration project.

SEC. 105. FEDERAL ENHANCED IN-PRISON VOCATIONAL ASSESSMENT AND TRAINING DEMONSTRATION.

(a) **AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.**—From funds made

available to carry out this section, the Attorney General shall establish the Federal Enhanced In-Prison Vocational Assessment and Training Demonstration project in selected institutions. The project shall provide in-prison assessments of prisoners' vocational needs and aptitudes, enhanced work skills development, enhanced release readiness programming, and other components as appropriate to prepare Federal prisoners for release and reentry into the community.

(b) PROGRAM DURATION.—The Enhanced In-Prison Vocational Assessment and Training Demonstration shall begin not later than six months following the availability of funds to carry out this section, and shall last 3 years. The Attorney General may extend the project for a period of up to 6 months to enable participating prisoners to complete their involvement in the project.

SEC. 106. RESEARCH AND REPORTS TO CONGRESS.

(a) ATTORNEY GENERAL.—Not later than 2 years after the enactment of this Act, the Attorney General shall report to Congress on the progress of the demonstration projects authorized by sections 101 and 105 of this Act. Not later than 1 year after the end of the demonstration projects authorized by sections 101 and 105 of this Act, the Director of the Federal Bureau of Prisons shall report to Congress on the effectiveness of the reentry projects authorized by sections 101 and 105 of this Act on post-release outcomes and recidivism. The report shall address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate.

(b) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Not later than 2 years after the enactment of this Act, Director of the Administrative Office of the United States Courts shall report to Congress on the progress of the demonstration projects authorized by sections 102 and 104 of this Act. Not later than 180 days after the end of the demonstration projects authorized by sections 102 and 104 of this Act, the Director of the Administrative Office of the United States Courts shall report to Congress on the effectiveness of the reentry projects authorized by sections 102 and 104 of this Act on post-release outcomes and recidivism. The report should address post-release outcomes and recidivism for a period of 3 years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate.

(c) DC ISTART.—Not later than 2 years after the enactment of this Act, the Executive Director of the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105-33; 111 Stat. 712) shall report to Congress on the progress of the demonstration project authorized by section 6 of this Act. Not later than 1 year after the end of the demonstration project authorized by section 103 of this Act, the Executive Director of the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105-33; 111 Stat. 712) shall report to Congress on the effectiveness of the reentry project authorized by section 103 of this Act on post-release outcomes and recidivism. The report shall address post-release outcomes and recidivism for a period of

three years following release from custody. The reports submitted pursuant to this section shall be submitted to the Committees on the Judiciary in the House of Representatives and the Senate. In the event that the corporation or institute authorized by section 11281(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105-33; 111 Stat. 712) is not in operation 1 year after the enactment of this Act, the Director of National Institute of Justice shall prepare and submit the reports required by this section and may do so from funds made available to the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105-33; 111 Stat. 712) to carry out this Act.

SEC. 107. DEFINITIONS.

In this title:

(1) the term "appropriate prisoner" means a person who is considered by prison authorities—

(A) to pose a medium to high risk of committing a criminal act upon reentering the community, and

(B) to lack the skills and family support network that facilitate successful reintegration into the community; and

(2) the term "appropriate high risk parolees" means parolees considered by prison authorities—

(A) to pose a medium to high risk of committing a criminal act upon reentering the community; and

(B) to lack the skills and family support network that facilitate successful reintegration into the community.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act, there are authorized to be appropriated, to remain available until expended, the following amounts:

(1) To the Federal Bureau of Prisons—

- (A) \$1,375,000 for fiscal year 2001;
- (B) \$1,110,000 for fiscal year 2002;
- (C) \$1,130,000 for fiscal year 2003;
- (D) \$1,155,000 for fiscal year 2004; and
- (E) \$1,230,000 for fiscal year 2005.

(2) To the Federal Judiciary—

- (A) \$3,380,000 for fiscal year 2001;
- (B) \$3,540,000 for fiscal year 2002;
- (C) \$3,720,000 for fiscal year 2003;
- (D) \$3,910,000 for fiscal year 2004; and
- (E) \$4,100,000 for fiscal year 2005.

(3) To the Court Services and Offender Supervision Agency of the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Pub. Law 105-33; 111 Stat. 712)—

- (A) \$4,860,000 for fiscal year 2001;
- (B) \$4,510,000 for fiscal year 2002;
- (C) \$4,620,000 for fiscal year 2003;
- (D) \$4,740,000 for fiscal year 2004; and
- (E) \$4,860,000 for fiscal year 2005.

TITLE II—STATE REENTRY GRANT PROGRAMS

SEC. 201. AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) as amended, is amended—

- (1) by redesignating part Z as part AA;
- (2) by redesignating section 2601 as section 2701; and
- (3) by inserting after part Y the following new part:

"PART Z OFFENDER REENTRY AND COMMUNITY SAFETY

"SEC. 2601. ADULT OFFENDER STATE AND LOCAL REENTRY PARTNERSHIPS.

"(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to \$1,000,000 to States, Territories, and Indian tribes, in partnership with units of local government and nonprofit organizations, for the purpose of establishing adult offender reentry demonstration projects. Funds may be expended by the projects for the following purposes:

"(1) oversight/monitoring of released offenders;

"(2) providing returning offenders with drug and alcohol testing and treatment and mental health assessment and services;

"(3) convening community impact panels, victim impact panels or victim impact educational classes;

"(4) providing and coordinating the delivery of other community services to offenders such as housing assistance, education, employment training, conflict resolution skills training, batterer intervention programs, and other social services as appropriate; and

"(5) establishing and implementing graduated sanctions and incentives.

"(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

"(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

"(2) identify the governmental and community agencies that will be coordinated by this project;

"(3) certify that there has been appropriate consultation with all affected agencies and there will be appropriate coordination with all affected agencies in the implementation of the program, including existing community corrections and parole; and

"(4) describe the methodology and outcome measures that will be used in evaluating the program.

"(c) APPLICANTS.—The applicants as designated under 2601(a)—

"(1) shall prepare the application as required under subsection 2601(b); and

"(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

"(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

"(e) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

"(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

"(2) such other information as the Attorney General may require.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$40,000,000 in fiscal years 2001 and 2002; and such sums as may be necessary for each of the fiscal years 2003, 2004, and 2005.

"(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

“(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

“(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

“SEC. 2602. STATE AND LOCAL REENTRY COURTS.

“(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to \$500,000 to State and local courts or state agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a reentry court. Funds may be expended by the projects for the following purposes:

“(1) monitoring offenders returning to the community;

“(2) providing returning offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;

“(3) convening community impact panels, victim impact panels, or victim impact educational classes;

“(4) providing and coordinating the delivery of other community services to offenders, such as housing assistance, education, employment training, conflict resolution skills training, batterer intervention programs, and other social services as appropriate; and

“(5) establishing and implementing graduated sanctions and incentives.

“(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

“(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

“(2) identify the governmental and community agencies that will be coordinated by this project;

“(3) certify that there has been appropriate consultation with all affected agencies, including existing community corrections and parole, and there will be appropriate coordination with all affected agencies in the implementation of the program;

“(4) describe the methodology and outcome measures that will be used in evaluation of the program.

“(c) APPLICANTS.—The applicants as designated under 2602(a)—

“(1) shall prepare the application as required under subsection 2602(b); and

“(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

“(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

“(e) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

“(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

“(2) such other information as the Attorney General may require.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$10,000,000 in fiscal years 2001 and 2002, and such sums as may be necessary for each of the fiscal years 2003, 2004, and 2005.

“(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

“(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

“(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

“SEC. 2603. JUVENILE OFFENDER STATE AND LOCAL REENTRY PROGRAMS.

“(a) GRANT AUTHORIZATION.—The Attorney General shall make grants of up to \$250,000 to States, in partnership with local units of governments or nonprofit organizations, for the purpose of establishing juvenile offender reentry programs. Funds may be expended by the projects for the following purposes:

“(1) providing returning juvenile offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;

“(2) convening victim impact panels, restorative justice panels, or victim impact educational classes for juvenile offenders;

“(3) oversight/monitoring of released juvenile offenders; and

“(4) providing for the planning of reentry services when the youth is initially incarcerated and coordinating the delivery of community-based services, such as education, conflict resolution skills training, batterer intervention programs, employment training and placement, efforts to identify suitable living arrangements, family involvement and support, and other services.

“(b) SUBMISSION OF APPLICATION.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subpart shall—

“(1) describe a long-term strategy and detailed implementation plan, including how the jurisdiction plans to pay for the program after the Federal funding ends;

“(2) identify the governmental and community agencies that will be coordinated by this project;

“(3) certify that there has been appropriate consultation with all affected agencies and there will be appropriate coordination with all affected agencies, including existing community corrections and parole, in the implementation of the program;

“(4) describe the methodology and outcome measures that will be used in evaluating the program.

“(c) APPLICANTS.—The applicants as designated under 2603(a)—

“(1) shall prepare the application as required under subsection 2603(b); and

“(2) shall administer grant funds in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, as necessary to carry out the purposes of this part.

“(d) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 25 percent of the costs of the project funded under this title unless the Attorney General waives, wholly or in part, the requirements of this section.

“(e) REPORTS.—Each entity that receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require that contains:

“(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application funded under this part; and

“(2) such other information as the Attorney General may require.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$5,000,000 in fiscal years 2001 and 2002, and such sums as are necessary for each of the fiscal years 2003, 2004, and 2005.

“(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

“(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

“(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.

“SEC. 2604. STATE REENTRY PROGRAM RESEARCH, DEVELOPMENT, AND EVALUATION.

“(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to conduct research on a range of issues pertinent to reentry programs, the development and testing of new reentry components and approaches, selected evaluation of projects authorized in the preceding sections, and dissemination of information to the field.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 in fiscal years 2001 and 2002, and such sums as are necessary to carry out this section in fiscal years 2003, 2004, and 2005.”

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3711 et seq.), as amended, is amended by striking the matter relating to part Z and inserting the following:

“PART Z OFFENDER REENTRY AND COMMUNITY SAFETY ACT

“Sec. 2601. Adult Offender State and Local Reentry Partnerships.

“Sec. 2602. State and Local Reentry Courts.

“Sec. 2603. Juvenile Offender State and Local Reentry Programs.

“Sec. 2604. State Reentry Program Research and Evaluation.

“PART AA—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 2701. Continuation of rules, authorities, and proceedings.”

TITLE III—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS REAUTHORIZATION

SEC. 301. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS REAUTHORIZATION.

Section 3621(e)(4) of title 18, United States Code, is amended by striking subparagraph (E) and inserting the following:

“(E) \$31,000,000 for fiscal year 2000; and

“(F) \$38,000,000 for fiscal year 2001.”

TITLE IV—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS REAUTHORIZATION

SEC. 401. REAUTHORIZATION.

Paragraph (17) of section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(17)) is amended to read as follows:

“(17) There are authorized to be appropriated to carry out part S \$100,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal years 2002 through 2006.”

SEC. 402. USE OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE FOR SERVICES DURING AND AFTER INCARCERATION.

Section 1901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is amended by adding at the end the following:

“(c) **ADDITIONAL USE OF FUNDS.**—States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this part for treatment and sanctions both during incarceration and after release.”.

By Mr. FITZGERALD:

S. 2909. A bill to permit landowners to assert otherwise-available state law defenses against property claims by Indian tribes; to the Committee on Indian Affairs.

LANDOWNERS DEFENSES AGAINST PROPERTY CLAIMS BY INDIAN TRIBES LEGISLATION

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2909

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

Subchapter 1 of Chapter 6 of Title 25 is amended by inserting as §210 the following:

SECTION 1. DEFENSES TO INDIAN CLAIMS.

Except as provided in Section 2, in any action, or claim by or on behalf of an Indian tribe to enforce a real-property right, or otherwise asserting a claim of Indian title or right, the defendant may assert any affirmative defense that would be available under state law to a defendant opposing an analogous action or claim that does not involve an Indian tribe.

SEC. 2. EXCEPTION FOR GOVERNMENTAL DEFENDANTS.

Section 1 shall not apply to any action or claim against a governmental entity with respect to land that is located within sovereign Indian country.

SEC. 3. RULES OF CONSTRUCTION.

(a) Excepts as provided in subsection (b), this Act shall be construed and applied without regard to the interpretive judicial canon that remaining ambiguities should be resolved in favor of the Indians when standard tools of statutory construction leave no indication as to the meaning of an Indian treaty or statute.

(b) **EXCEPTION.**—Subsection (a) shall not apply to judicial interpretation of an Indian treaty with respect to a determination of whether land was reserved or set aside by the federal government for the use of an Indian tribe as Indian land.

SEC. 4. DEFINITIONS.

(1) The term “Indian tribe,” as used in this Act, means any tribe, band, nation, pueblo, village, or community that is recognized by the Secretary of the Interior pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. §479a).

(2) The term “sovereign Indian country” means land—

(A) that is rightfully owned by, or is held in trust by the federal government for, an Indian tribe;

(B) that was reserved or set aside for the use of the Indian tribe as Indian land by the federal government, and is either—

(i) outside the exterior geographical limits of any State; or

(ii) within the exterior geographical limits of a State that subsequently either—

(A) acknowledged Indian title to the land involved when the land was made a part of the State, if that State be one of the original 13 States to form the United States; or

(B) provided, either in the Act providing for the State’s admission to the United States or in the State’s first constitution, that all lands held by Indians within the State shall remain under the jurisdiction and control of the United States, in accordance with Article I, Section 8, clause 17 of the Constitution of the United States, if that State were admitted to the United States after 1790; and

(C) for which the Indian title has not been extinguished or the jurisdiction reservation revoked.

SEC. 5. ATTORNEYS FEES.

(a) Except as provided in subsection (b), in any action or proceeding that is subject to this Act, the court shall allow the prevailing party a reasonable attorney’s fee with respect to a claim presented by the opposing party that was frivolous, unreasonable, or without foundation, or that the opposing party continued to litigate after it clearly became so.

(1) A claim shall be deemed legally frivolous, unreasonable, or without foundation only if it rests upon a legal theory that was clearly unavailable under existing case law.

(2) A claim shall be deemed factually frivolous, unreasonable, or without foundation only if its proponent knew or should have known of those facts that would require judgment for the opposing party as a matter of law.

(b) **EXCEPTION.**—No attorney’s fee shall be assessed under subsection (a) against an Indian tribe seeking to enforce a right to an interest in land if the court determines that the land involved is located within sovereign Indian country.

SEC. 6. TIMING OF APPLICATION.

This Act shall apply to any action, claim, or right described in Section 1 that is pending, filed, or continuing on or after the date of the enactment of this Act, other than a final money-damages judgment to which no one has a right to raise a challenge by any available procedure.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 162

At the request of Mr. BREAU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 162, a bill to amend the Internal Revenue Code of 1986 to change the determination of the 50,000-barrel refinery limitation on oil depletion deduction from a daily basis to an annual average daily basis.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 345, a bill to amend the Animal Wel-

fare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 635

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 1086

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1227

At the request of Mr. L. CHAFEE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 2078

At the request of Mr. BUNNING, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2078, a bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs.