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H.Con.Res.113 – Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rep. Hoyer, R-IL)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Expected to be considered May 22, 2018, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

H.Con.Res. 113 would allow the Capitol Grounds to be used for the [Greater Washington Soap Box Derby](#).

COST:

The Congressional Budget Office (CBO) [estimates](#) implementing H.Con.Res. 113 would have no significant cost to the federal government.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.Con.Res. 113 would allow the Capitol Grounds to be used for the [Greater Washington Soap Box Derby](#). The Soap Box Derby program began in 1934 and features soap box derby races for participants between the ages of 7 and 21.

COMMITTEE ACTION:

H.Con.Res. 113 was introduced on March 3, 2018, and referred to the House Committee on Transportation and Infrastructure. A mark-up session was held on April 12, 2018, and the bill was reported by voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Not required for resolutions.

H.R. 5682 – FIRST STEP Act (Rep. Collins, R-GA)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Expected to be considered May 22, 2018, under a suspension of the rules, which required 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 5682](#) would require the Department of Justice to use a risk-based needs assessment system to introduce evidence-based prison programming to better equip federal inmates to successfully reenter society after their sentences are served.

COST:

A Congressional Budget Office (CBO) cost estimate is not available at this time.

Rule 28(a)(1) of the Rules of the Republican Conference prohibits measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

The bill would authorize \$50 million to be appropriated each year over the FY 2019 – 2023 period to carry out Title I of the bill. Of the amount appropriated, the bill would require that 80 percent be reserved to implement the risk and needs assessment system. The bill also includes a sense of Congress that any savings associated with the reductions in recidivism should be reinvested into recidivism reduction programs and ensuring access to such programs.

CONSERVATIVE VIEWS:

Some conservatives may be pleased that through better programming, former prisoners will likely achieve a greater degree of success in reentering society, therefore reducing recidivism rates, and funds spent in the criminal justice system. Other conservatives may be pleased this legislation permits nonprofits and faith-based institutions to provide necessary programming.

- **Expand the Size and Scope of the Federal Government?** This legislation establishes multiple new pilot programs.
- **Encroach into State or Local Authority?** No, the bill would only apply to prisoners in Federal prison and includes a rule of construction to provide that nothing in the bill shall be construed to provide authority to place a prisoner serving a term pursuant to a conviction under a state law into prerelease custody.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The federal prison population has grown significantly since 1980, growing from less than 25,000 inmates to 183,000 in the present. While the number of inmates has skyrocketed, the majority of those federally incarcerated will eventually reenter their communities following their release, and roughly half of them will reoffend. This cycle contributes to the ballooning cost of the criminal justice system, is a disservice to community safety, and facilitates the cycle of crime and poverty within the family unit.

Title I: Recidivism Reduction Act

Section 101 would direct the Attorney General to review the Bureau of Prisons' (BOP) risk and needs assessment system and issue recommendation on appropriate programming that could reduce recidivism. It would require continuing research and data analysis of programming, including on its effectiveness. The Attorney General would be required to annually review and validate the risk and needs assessment system and make any revisions or updates as appropriate. It would require the Attorney General to submit a report to Congress.

This section would further require the Attorney General to formulate and release a risk and needs assessment system within 180 days following enactment. The system would be used to: "(1) determine the recidivism risk of each prisoner as part of the intake process, and classify each prisoner as having minimum, low, medium, or high risk of recidivism; (2) assess and determine...the risk of violent or serious misconduct of each prisoner; (3) determine the type, amount, and intensity of evidence-based recidivism reduction programs that are appropriate for each prisoner and assign each prisoner to such programs accordingly; (4) reassess the recidivism risk of each prisoner periodically and reassign the prisoner...based on the revised determination...; (5) determine when to provide incentives and rewards for successful participation in evidence-based recidivism reduction programs or productive activities; and (6) determine when a prisoner is ready to transfer into prerelease custody." The system would provide guidance on the appropriate programming and activities that would be assigned to each prisoner, as well as on program grouping and housing assignment determinations.

The system would provide incentives and rewards for participation in evidence based recidivism reduction programs, including certain phone and visitation privileges, consideration for transfer to an institution closer to their release residence, and additional policies like increased commissary spending limits and product offerings, extended opportunities to access email, consideration of transfer to different housing units.

Certain prisoners that successfully complete evidence-based recidivism reduction programming would be eligible to earn time credits. A prisoner would earn 10 days of time credits for each 30 day period of successful participation. Prisoners who have been determined to be at a minimum or low risk of recidivism over two consecutive assessments, without increasing their risk, would earn an additional 5 days of time credits for every 30 days of successful participation.

Prisoners would not be eligible for time credits for program completion before enactment, or for detention prior to sentencing, or if the prisoner is an inadmissible or deportable alien.

Time credits earned would be applied toward time in pre-release custody, including at halfway houses or home confinement. The Director of the BOP may deny pre-release custody if the warden of the prison finds clear and convincing evidence that the prisoner should not be transferred because of the prisoner's actions post-conviction.

Convictions pertaining to a number of offenses would make a prisoner ineligible for time credits, including assault with intent to commit murder, homicide, kidnapping, slavery or trafficking of persons, terrorism, the sexual exploitation of children, and other offenses.

Prisoners that successfully participate in evidence-based recidivism reduction programs would receive periodic risk assessments at least annually, with those at medium or high risk receiving more frequent assessments.

The Director of the BOP would be required to develop penalties for violation of prison rules or program rules that include a reduction or rewards and incentives earned.

The Attorney General would be required to development and implement training for those responsible for administering the system and to conduct annual audits to ensure the system is being used in an appropriate manner.

The Attorney General would be required to review the risk and needs assessment system annually, and validate its tools while consulting with the Director of the BOP and the Director of the National Institute of Justice. The Attorney General would be required to ensure the assessment system does not have any unwarranted disparities.

Section 102 would direct the BOP to: (1) implement the system and perform a risk and needs assessment for each prisoner; (2) expand and introduce new programs necessary to implement the system; (3) phase in the programs within 2 years; and (4) develop policies for the prison wardens to enter into partnerships with certain non-profit organizations, including faith-based institutions, institutions of higher learning, private entities, and industry sponsored organizations that will deliver workforce development and training.

Priority for available programs would be based on proximity to release date during the phase-in.

The BOP director must give all prisoners the opportunity to participate in evidence-based recidivism reduction programs or productive activities, with priority for recidivism reduction programs geared at medium to high risk offenders and productive activities geared at minimum to low risk offenders.

This section would set forth the requirements for prerelease custody for those who participated in the assessment system to include those that have earned time credits. Prerelease custody would be possible for up to 54 days for each year of the prisoner's sentence imposed.

This section delineates the types of pre-release custody that would be possible, including monitored home confinement or residential reentry centers.

The Attorney General would be required to issue guidelines for determining the appropriate type of prerelease custody and consequences for violations.

The Director of the BOP would be required to when practicable, enter into agreements with US Probation and Pretrial Services to supervise those in home confinement or on community supervision.

Section 103 would require the Government Accountability office (GAO) to conduct an audit of the use of the risk and needs assessment at BOP facilities and issue a report.

Section 104 would authorize appropriations of \$50 million for each fiscal year between 2019-2023, 80% of which shall be reserved for the BOP to implement the system. It includes the sense of Congress that any savings from the title should be reinvested into evidence-based recidivism reduction programs and into ensuring eligible prisoners have access to the programs.

Section 105 provides for rules of construction.

Section 106 provides that an entity facilitating programming may not be discriminated against because it may be or is faith-based.

Title II: Bureau Of Prisons Secure Firearms Storage

Title II would require the Bureau of Prisons to permit corrections officers at federal prisons to store firearms in a secure storage area or vehicle lockbox outside the security perimeter of the facility. It would also permit corrections officers at federal prisons to carry a concealed firearm on Bureau of Prison premises outside the facility security perimeter.

In 2004, President Bush signed the Law Enforcement Officers Safety Act into law, permitting law enforcement officers to carry concealed firearms throughout the nation for protection. It also permitted law enforcement officers to carry their firearms when off duty. This law, however, did not require the Bureau of Prisons to allow corrections officers to safely store firearms outside prison facilities leading to vulnerability.

This language is similar to [H.R. 613, the Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2017](#), which passed the House by a [vote](#) of 378-0, on May 15, 2018.

Title III: Restraints On Pregnant Prisoners Prohibited

Title III addresses the current use of restraints on pregnant prisoners. This title prohibits the use of restraints during pregnancy and postpartum recovery. It would provide for the prohibition to not apply if the prisoner is an immediate, credible flight risk, or poses an immediate threat of harm to herself, the fetus, or others. If restraints are used, an official or marshal must submit a report to the Director of the BOP or the Marshals Service within 30 days. This title also requires the Director of the BOP and of the Marshals Service to submit a report to Congress. This title also provides for a reporting process for violations.

Title IV: Miscellaneous Criminal Justice

Title IV addresses miscellaneous criminal justice.

Section 401 would provide that prisoners should be placed in facilities as close as possible to their primary residence, and not more than 500 driving miles away, subject to several factors including bed availability, security designation, programmatic needs and mental or medical health concerns.

Section 402 would require the BOP to the extent practicable, place lower risk level and low needs prisoners on home confinement for the maximum time permitted.

Section 403 provides for a pilot program for compassionate release into home confinement for certain elderly or terminally ill offenders. The BOP would be required to issue an annual report on the program.

Section 404 would require that, prior to release from federal prison, an inmate is provided with their birth certificate and photo identification.

Section 405 would authorize new markets for [Federal Prison Industries](#). It would provide for the creation of escrow accounts for prisoners to put a minimum of 15% of the money earned to be used following release.

Section 406 would require the Director of the BOP to, within 1 year following enactment, incorporate de-escalation training and training for how to identify and respond to incidents involving the needs of those with mental illness or cognitive deficits.

Section 407 would require the BOP to submit a report to Congress, evaluating the current pilot program to treat heroin and opioid abuse using medication-assisted treatment.

Section 408 would require the BOP to establish a youth mentorship pilot program and a pilot program for the training and therapy or rescue animals and submit a report to Congress on the programs.

Section 409 provides for the authority of U.S. Probation and Pretrial Services to supervise sexually dangerous individuals who have been conditionally released from civil confinement.

Section 410 would create a statistical and demographic data reporting requirement for the BOP through the National Prisoner Statistics Program. The data must be submitted to Congress on an annual basis for seven years.

Section 411 would require the BOP to make feminine hygiene products available for free to prisoners.

Section 412 would require those seeking to become certified as prison compliance auditors to undergo background checks. Auditors would be required to sign certification agreements. It also clarifies that the PREA Management Office is authorized to ensure that auditors uphold the standards of the certification agreements. The PREA Management Office would be permitted to take remedial or disciplinary action against those that do not fulfill their obligations.

Section 413 would increase the cap for the Justice and Mental Health Collaboration Program to not less than six percent of appropriated funds, up from three percent. The Attorney General would be required to use at least eight percent of appropriated funds for technical assistance to state and local governments receiving grants to foster collaboration between governments.

OUTSIDE GROUPS:

In Support:

[FreedomWorks](#) (Key Vote)

[Coalition letter of support](#)

[Coalition of Former Federal Prosecutors and Senior Government Officials](#)

[Families Against Mandatory Minimums](#)

[Faith and Freedom Coalition](#)

[Right on Crime](#)

[American Conservative Union/American Conservative Union Foundation](#)

[Just Detention International](#)
[Council of State Governments](#)

In Opposition:

[Business Coalition for Fair Competition](#)

COMMITTEE ACTION:

H.R. 5682 was introduced on May 7, 2018, and was ordered reported by the House Committee on the Judiciary by a [vote](#) of 25-5.

ADMINISTRATION POSITION:

While a formal Statement of Administration Policy is not available, "[President Donald J. Trump Supports Legislative Action to Reduce Recidivism in Our Prison System.](#)" Last week, the [President](#) and [Vice President](#) both spoke at a White House Prison Reform Summit.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the authority to enact H.R. 5682 pursuant to: Article 1, Section 8, Clauses 1, 3, and 18 of the U.S. Constitution.

S. 292: Childhood Cancer STAR Act (Sen. Reed, D-RI)

CONTACT: [Matt Dickerson](#), 202-226-9718

FLOOR SCHEDULE:

May 22, 2018 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[S. 292](#) would establish additional grant programs to support pediatric cancer research.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting S. 292 “would authorize the appropriation of \$30 million a year for fiscal years 2019 through 2023. CBO estimates that implementing the bill would cost \$128 million over the 2019-2023 period, assuming the appropriation of the specified amounts.”

CONSERVATIVE CONCERNS:

Some conservatives may be concerned the activities provided by the bill may be duplicative of current programs. According to [CBO](#), “The National Cancer Institute (NCI), which supports the majority of NIH’s pediatric cancer research, spent \$351 million on activities related to addressing childhood cancer in fiscal year 2016. Over the past few years, NCI has supported: clinical trials at more than 200 institutions, multidisciplinary cooperative research on treatment strategies for children with primary brain tumors, and a study examining the long-term adverse effects of cancer and cancer therapy.”

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would establish new programs.
- **Encroach into State or Local Authority?** Some conservatives may believe that while the Constitution provides that “The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries,” it does not provide for the direct financial support and administration of programs to promote the progress of science. The Constitution further provides that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Children’s Cancer Biorepositories and Biospecimen Research:

The bill would allow the Director of the National Institutes of Health (NIH) to provide funding to “build upon existing research efforts to collect biospecimens and clinical and demographic information of children, adolescents, and young adults with selected cancer subtypes (and their recurrences) for which current treatments are least effective, in order to achieve a better

understanding of the causes of such cancer subtypes (and their recurrences), and the effects and outcomes of treatments for such cancers.”

Funding would be able to be used to collect biospecimens, maintain a database of stored biospecimens, and provide access to biospecimens to researchers and health care professionals. The bill defines biospecimens to include:

- Solid tumor tissue or bone marrow,
- Normal or control tissue,
- Blood and plasma,
- DNA and RNA extractions,
- Familial DNA,
- And any other sample relevant to cancer research.

The bill provides that no child, adolescent, or young adult with cancer shall be required to contribute to a specimen or share clinical or demographic data.

The bill would require entities that receive funding to collect biospecimens or data only from participants who have given their informed consent and that such entities protect personal privacy.

The bill would require that funds provided under the bill be used to supplement and not to supplant federal and non-federal funds already available for activities provided by the bill. Some conservatives may be concerned this requires duplication of current programs.

The bill requires a report on the activities provided by the bill within four years.

Improving Childhood Cancer Surveillance:

The bill would modify the current law National Childhood Cancer Registry to provide funding to state cancer registries rather than a single national registry. The bill would reauthorize funding through 2023 (authorization of appropriations had expired in 2013).

Inclusion of at least one Pediatric Oncologist on the National Cancer Advisory Board:

The bill would require not less than one member of the National Cancer Advisory Board “be an individual knowledgeable in pediatric oncology.”

Sense of Congress regarding Pediatric Expertise at the National Cancer Institute:

The bill would provide a sense of Congress that “the Director of the National Cancer Institute should ensure that all applicable study sections, committees, advisory groups, and panels at the National Cancer Institute include one or more qualified pediatric oncologists, as appropriate.”

Reporting on Childhood Cancer Research Projects:

The bill would require the NIH to include childhood cancer research projects in appropriate reports to Congress.

Cancer Survivorship Programs:

The bill would establish a pilot project to provide grants to “develop, study, or evaluate model systems for monitoring and caring for childhood cancer survivors throughout their lifespan, including evaluation of models for transition to adult care and care coordination.”

Grants to Improve Care for Pediatric Cancer Survivors:

The bill would allow the NIH to provide grants to conduct or support pediatric cancer survivorship research.

Best Practices for Long-Term Follow-Up Services for Pediatric Cancer Survivors:

The bill would allow the Secretary of Health and Human Services to facilitate the identification of best practices for childhood and adolescent cancer survivorship care.

COMMITTEE ACTION:

S. 292 was introduced on February 2, 2017, and referred to the Senate Committee on Health, Education, Labor, and Pensions. The Committee reported the bill on February 28, 2017. The Senate passed the Senate on March 22, 2018, by unanimous consent.

The bill was sent to the House and referred to the Committee on Energy and Commerce.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

Bills that originate in the Senate do not require a constitutional authority statement.

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