

108TH CONGRESS
2D SESSION

S. 2923

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 7, 2004

Mr. BIDEN (for himself, Mr. SPECTER, Mr. BINGAMAN, and Ms. LANDRIEU) 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 “Enhanced Second
5 Chance Act of 2004: Community Safety Through Recidi-
6 vism Prevention” or the “Enhanced Second Chance Act
7 of 2004”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 2002, 2,000,000 people were incarcerated
4 ated in Federal or State prisons or in local jails.
5 Nearly 650,000 people are released from incarceration
6 ation to communities nationwide each year.

7 (2) There are over 3,200 jails throughout the
8 United States, the vast majority of which are operated
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 misdemeanor
14 within 3 years after release.

15 (4) In recent years, a number of States and
16 local governments have begun to establish improved
17 systems for reintegrating former prisoners. Under
18 such systems, corrections officials begin to plan for
19 a prisoner's release while the prisoner is incarcerated
20 and provide a transition to needed services in the
21 community.

22 (5) Faith leaders and parishioners have a long
23 history helping ex-offenders transform their lives.
24 Through prison ministries and outreach in communities,
25 churches and faith-based organizations have

1 pioneered reentry services to prisoners and their
2 families.

3 (6) Successful reentry protects those who might
4 otherwise be crime victims. It also improves the like-
5 lihood that individuals released from prison or juve-
6 nile detention facilities can pay fines, fees, restitue-
7 tion, and family support.

8 (7) According to the Bureau of Justice Statis-
9 tics, expenditures on corrections alone increased
10 from \$9,000,000,000 in 1982 to \$44,000,000,000 in
11 1997. These figures do not include the cost of arrest
12 and prosecution, nor do they take into account the
13 cost to victims.

14 (8) Increased recidivism results in profound col-
15 lateral consequences, including public health risks,
16 homelessness, unemployment, and disenfranchise-
17 ment.

18 (9) The high prevalence of infectious disease,
19 substance abuse, and mental health disorders that
20 has been found in incarcerated populations demands
21 that a recovery model of treatment should be used
22 for handling the more than $\frac{2}{3}$ of all offenders with
23 such needs.

24 (10) One of the most significant costs of pris-
25 oner reentry is the impact on children, the weakened

1 ties among family members, and destabilized com-
2 munities. The long-term generational effects of a so-
3 cial structure in which imprisonment is the norm
4 and law-abiding role models are absent are difficult
5 to measure but undoubtedly exist.

6 (11) According to the 2001 national data from
7 the Bureau of Justice Statistics, 3,500,000 parents
8 were supervised by the correctional system. Prior to
9 incarceration, 64 percent of female prisoners and 44
10 percent of male prisoners in State facilities lived
11 with their children.

12 (12) Between 1991 and 1999, the number of
13 children with a parent in a Federal or State correc-
14 tional facility increased by more than 100 percent,
15 from approximately 900,000 to approximately
16 2,000,000. According to the Bureau of Prisons,
17 there is evidence to suggest that inmates who are
18 connected to their children and families are more
19 likely to avoid negative incidents and have reduced
20 sentences.

21 (13) Approximately 100,000 juveniles (ages 17
22 and under) leave juvenile correctional facilities, State
23 prison, or Federal prison each year. Juveniles re-
24 leased from confinement still have their likely prime
25 crime years ahead of them. Juveniles released from

1 secure confinement have a recidivism rate ranging
2 from 55 to 75 percent. The chances that young peo-
3 ple will successfully transition into society improve
4 with effective reentry and aftercare programs.

5 (14) Studies have shown that from 15 percent
6 to 27 percent of prisoners expect to go to homeless
7 shelters upon release from prison.

8 (15) The National Institute of Justice has
9 found that after 1 year of release, up to 60 percent
10 of former inmates are not employed.

11 (16) Fifty-seven percent of Federal and 70 per-
12 cent of State inmates used drugs regularly before
13 prison, with some estimates of involvement with
14 drugs or alcohol around the time of the offense as
15 high as 84 percent (BJS Trends in State Parole,
16 1990–2000).

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

22 (18) Family based treatment programs have
23 proven results for serving the special population of
24 female offenders and substance abusers with chil-
25 dren. An evaluation by the Substance Abuse and

1 Mental Health Services Administration of family
2 based treatment for substance abusing mothers and
3 children found that at 6 months post treatment, 60
4 percent of the mothers remain alcohol and drug free,
5 and drug related offenses declined from 28 to 7 per-
6 cent. Additionally, a 2003 evaluation of residential
7 family based treatment programs revealed that 60
8 percent of mothers remained clean and sober 6
9 months after treatment, criminal arrests declined by
10 43 percent, and 88 percent of the children treated
11 in the program with their mothers remain stabilized.

12 (19) A Bureau of Justice Statistics analysis in-
13 dicated that only 33 percent of Federal and 36 per-
14 cent of State inmates had participated in residential
15 inpatient treatment programs for alcohol and drug
16 abuse 12 months before their release. Further, over
17 $\frac{1}{3}$ of all jail inmates have some physical or mental
18 disability and 25 percent of jail inmates have been
19 treated at some time for a mental or emotional prob-
20 lem.

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

24 (21) The Bureau of Justice Statistics has found
25 that 27 percent of Federal inmates, 40 percent of

1 State inmates, and 47 percent of local jail inmates
2 have never completed high school or its equivalent.
3 Furthermore, the Bureau of Justice Statistics has
4 found that less educated inmates are more likely to
5 be recidivists. Only 1 in 4 local jails offer basic adult
6 education programs.

7 (22) In his 2004 State of the Union Address,
8 President Bush correctly stated: “We know from
9 long experience that if former prisoners can’t find
10 work, or a home, or help, they are much more likely
11 to commit more crimes and return to prison America
12 is the land of the second chance, and when the gates
13 of the prison open, the path ahead should lead to a
14 better life.”.

15 (23) Participation in State correctional edu-
16 cation programs lowers the likelihood of reincarcer-
17 ation by 29 percent, according to a recent United
18 States Department of Education study. A Federal
19 Bureau of Prisons study found a 33 percent drop in
20 recidivism among Federal prisoners who participated
21 in vocational and apprenticeship training.

1 **SEC. 3. REAUTHORIZATION OF ADULT AND JUVENILE OF-**
2 **FENDER STATE AND LOCAL REENTRY DEM-**
3 **ONSTRATION PROJECTS.**

4 (a) ADULT OFFENDER DEMONSTRATION PROJECTS
5 AUTHORIZED.—Section 2976(b) of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C.
7 3797w(b)) is amended by striking paragraphs (1) through
8 (4) and inserting the following:

9 “(1) establishing or improving the system or
10 systems under which—

11 “(A) the correctional agency of the State
12 or local government develops and carries out
13 plans to facilitate the reentry into the commu-
14 nity of each offender in State or local custody;

15 “(B) the supervision and services provided
16 to offenders in State or local custody are co-
17 ordinated with the supervision and services pro-
18 vided to offenders after reentry into the com-
19 munity;

20 “(C) the efforts of various public and pri-
21 vate entities to provide supervision and services
22 to offenders after reentry into the community,
23 and to family members of such offenders, are
24 coordinated; and

25 “(D) offenders awaiting reentry into the
26 community are provided with documents (such

1 as identification papers, referrals to services,
2 medical prescriptions, job training certificates,
3 apprenticeship papers, and information on ob-
4 taining public assistance) useful in achieving a
5 successful transition from prison;

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

9 “(3) enabling prison mentors of offenders to re-
10 main in contact with those offenders, including
11 through the use of such technology as
12 videoconferencing, during incarceration and after re-
13 entry into the community and encouraging the in-
14 volvement of prison mentors in the reentry process;

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

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

23 “(6) providing continuity of health services (in-
24 cluding mental health services, substance abuse
25 treatment and aftercare, and treatment for con-

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

3 “(7) providing offenders with education, job
4 training, English as a second language programs,
5 work experience programs, self-respect and life skills
6 training, and other skills useful in achieving a suc-
7 cessful transition from prison;

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

12 “(A) promote, where appropriate, the em-
13 ployment of people released from prison and
14 jail, through efforts such as educating employ-
15 ers about existing financial incentives and facili-
16 tate the creation of job opportunities, including
17 transitional jobs, for this population that will
18 benefit communities;

19 “(B) connect inmates to employment, in-
20 cluding supportive employment and employment
21 services, before their release to the community;

22 “(C) address barriers to employment, in-
23 cluding licensing; and

24 “(D) identify labor market needs to ensure
25 that education and training are appropriate;

1 “(9) assessing the literacy and educational
2 needs of offenders in custody and identifying and
3 providing services appropriate to meet those needs,
4 including followup assessments and long-term serv-
5 ices;

6 “(10) systems under which family members of
7 offenders are involved in facilitating the successful
8 reentry of those offenders into the community, in-
9 cluding removing obstacles to the maintenance of
10 family relationships while the offender is in custody,
11 strengthening the family’s capacity to function as a
12 stable living situation during reentry where appro-
13 priate to the safety and well-being of any children
14 involved, and involving family members in the plan-
15 ning and implementation of the reentry process;

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

18 “(12) programs that facilitate visitation and
19 maintenance of family relationships with respect to
20 offenders in custody by addressing obstacles such as
21 travel, telephone costs, mail restrictions, and restric-
22 tive visitation policies;

23 “(13) identifying and addressing barriers to col-
24 laborating with child welfare agencies in the provi-

1 sion of services jointly to offenders in custody and
2 to the children of such offenders;

3 “(14) implementing programs in correctional
4 agencies to include the collection of information re-
5 garding any dependent children of an incarcerated
6 person as part of intake procedures, including the
7 number of children, age, and location or jurisdiction,
8 and connect identified children with appropriate
9 services;

10 “(15) addressing barriers to the visitation of
11 children with an incarcerated parent, and mainte-
12 nance of the parent-child relationship, such as the
13 location of facilities in remote areas, telephone costs,
14 mail restrictions, and visitation policies;

15 “(16) creating, developing, or enhancing pris-
16 oner and family assessments curricula, policies, pro-
17 cedures, or programs (including mentoring pro-
18 grams) to help prisoners with a history or identified
19 risk of domestic violence, dating violence, sexual as-
20 sault, or stalking reconnect with their families and
21 communities, as appropriate (or when it is safe to do
22 so), and become mutually respectful, nonabusive par-
23 ents or partners, under which particular attention is
24 paid to the safety of children affected and the con-

1 confidentiality concerns of victims, and efforts are co-
2 ordinated with existing victim service providers;

3 “(17) developing programs and activities that
4 support parent-child relationships, as appropriate to
5 the health and well-being of the child, such as—

6 “(A) using telephone conferencing to per-
7 mit incarcerated parents to participate in par-
8 ent-teacher conferences;

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

12 “(C) the development of books on tape
13 programs, through which incarcerated parents
14 read a book into a tape to be sent to their chil-
15 dren;

16 “(D) the establishment of family days,
17 which provide for longer visitation hours or
18 family activities; or

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

21 “(18) expanding family based treatment centers
22 that offer family based comprehensive treatment
23 services for parents and their children as a complete
24 family unit;

1 “(19) conducting studies to determining who is
2 returning to prison or jail and which of those return-
3 ing prisoners represent the greatest risk to commu-
4 nity safety;

5 “(20) developing or adopting procedures to en-
6 sure that dangerous felons are not released from
7 prison prematurely;

8 “(21) developing and implementing procedures
9 to assist relevant authorities in determining when re-
10 lease is appropriate and in the use of data to inform
11 the release decision;

12 “(22) developing and implementing procedures
13 to identify efficiently and effectively those violators
14 of probation or parole who should be returned to
15 prison;

16 “(23) utilizing validated assessment tools to as-
17 sess the risk factors of returning inmates and
18 prioritizing services based on risk;

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

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

1 “(26) establishing or expanding the use of re-
2 entry courts to—

3 “(A) monitor offenders returning to the
4 community;

5 “(B) provide returning offenders with—

6 “(i) drug and alcohol testing and
7 treatment; and

8 “(ii) mental and medical health as-
9 sessment and services;

10 “(C) facilitate restorative justice practices
11 and convene family or community impact pan-
12 els, family impact educational classes, victim
13 impact panels, or victim impact educational
14 classes;

15 “(D) provide and coordinate the delivery of
16 other community services to offenders, includ-
17 ing—

18 “(i) housing assistance;

19 “(ii) education;

20 “(iii) employment training;

21 “(iv) children and family support;

22 “(v) conflict resolution skills training;

23 “(vi) family violence intervention pro-
24 grams; and

1 “(vii) other appropriate social serv-
2 ices; and

3 “(E) establish and implement graduated
4 sanctions and incentives; and

5 “(27) providing technology and other tools nec-
6 essary to advance post release supervision.”.

7 (b) JUVENILE OFFENDER DEMONSTRATION
8 PROJECTS AUTHORIZED.—Section 2976(e) of the Omni-
9 bus Crime Control and Safe Streets Act of 1968 (42
10 U.S.C. 3797w(c)) is amended by striking “may be ex-
11 pended for” and all that follows through the period at the
12 end and inserting “may be expended for any activity re-
13 ferred to in subsection (b).”.

14 (c) APPLICATIONS; PRIORITIES; PERFORMANCE
15 MEASUREMENTS.—Section 2976 of the Omnibus Crime
16 Control and Safe Streets Act of 1968 (42 U.S.C. 3797w)
17 is amended—

18 (1) by redesignating subsection (h) as sub-
19 section (o); and

20 (2) by striking subsections (d) through (g) and
21 inserting the following:

22 “(d) APPLICATIONS.—A State, unit of local govern-
23 ment, territory, or Indian tribe desiring a grant under this
24 section shall submit an application to the Attorney Gen-
25 eral that—

1 “(1) contains a reentry strategic plan, which
2 describes the long-term strategy, and a detailed im-
3 plementation schedule, including the jurisdiction’s
4 plans to pay for the program after the Federal fund-
5 ing is discontinued;

6 “(2) identifies the governmental agencies and
7 community and faith-based organizations that will
8 be coordinated by, and collaborate on, the appli-
9 cant’s prisoner reentry strategy and certifies their
10 involvement; and

11 “(3) describes the methodology and outcome
12 measures that will be used in evaluating the pro-
13 gram.

14 “(e) PRIORITY CONSIDERATION.—The Attorney Gen-
15 eral shall give priority to grant applications that best—

16 “(1) focus initiatives on geographic areas with
17 a substantiated high population of ex-offenders;

18 “(2) include partnerships with community-based
19 organizations, including faith-based organizations;

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

22 “(4) review the process by which the State ad-
23 judicates violations of parole or supervised release
24 and consider reforms to maximize the use of grad-

1 uated, community-based sanctions for minor and
2 technical violations of parole or supervised release;

3 “(5) establish prerelease planning procedures
4 for prisoners to ensure that a prisoner’s eligibility
5 for Federal or State benefits (including Medicaid,
6 Medicare, Social Security, and Veterans benefits)
7 upon release is established prior to release, subject
8 to any limitations in law, and to ensure that pris-
9 oners are provided with referrals to appropriate so-
10 cial and health services or are linked to appropriate
11 community-based organizations;

12 “(6) target high-risk offenders for reentry pro-
13 grams through validated assessment tools; and

14 “(7) provide returning offenders with informa-
15 tion on how they can restore their voting rights, and
16 any other civil or civic rights denied to them due to
17 their offender status, under the laws of the State
18 where they are released.

19 “(f) REQUIREMENTS.—The Attorney General may
20 make a grant to an applicant only if the application—

21 “(1) reflects explicit support of the chief execu-
22 tive officer of the State or unit of local government,
23 territory, or Indian tribe applying for a grant under
24 this section;

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

6 “(3) provides extensive evidence of collaboration
7 with State and local government agencies overseeing
8 health, housing, child welfare, education, and em-
9 ployment services, and local law enforcement;

10 “(4) in the case of a State grantee, the State
11 provides a plan for the analysis of existing State
12 statutory, regulatory, rules-based, and practice-based
13 hurdles to a prisoner’s reintegration into the com-
14 munity; in case of a local grantee, the local grantee
15 provides a plan for the analysis of existing local stat-
16 utory, regulatory, rules-based, and practice-based
17 hurdles to a prisoner’s reintegration into the com-
18 munity; and in the case of a territorial grantee, the
19 territory provides a plan for the analysis of existing
20 territorial statutory, regulatory, rules-based, and
21 practice-based hurdles to a prisoner’s reintegration
22 into the community that—

23 “(A) takes particular note of laws, regula-
24 tions, rules, and practices that disqualify former
25 prisoners from obtaining professional licenses or

1 other requirements for certain types of employ-
2 ment, and that hinder full civic participation;

3 “(B) identifies those laws, regulations,
4 rules, or practices that are not directly con-
5 nected to the crime committed and the risk that
6 the ex-offender presents to the community; and

7 “(C) affords members of the public an op-
8 portunity to participate in the process described
9 in this subsection; and

10 “(5) includes the use of a State or local task
11 force to carry out the activities funded under the
12 grant.

13 “(g) USES OF GRANT FUNDS.—

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

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

20 “(B) publicly delineates the rationale for
21 the waiver.

22 “(2) SUPPLEMENT NOT SUPPLANT.—Federal
23 funds received under this section shall be used to
24 supplement, not supplant, non-Federal funds that

1 would otherwise be available for the activities funded
2 under this section.

3 “(h) REENTRY STRATEGIC PLAN.—

4 “(1) IN GENERAL.—As a condition of receiving
5 financial assistance under this section, each appli-
6 cant shall develop a comprehensive strategic reentry
7 plan that contains measurable annual and 5- to 10-
8 year performance outcomes. The plan shall have as
9 a goal to reduce the rate of recidivism of incarcer-
10 ated persons served with funds from this section
11 within the State by 50 percent over a period of 10
12 years.

13 “(2) COORDINATION.—In developing reentry
14 plans under this subsection, applicants shall coordi-
15 nate with communities and stakeholders, including
16 experts in the fields of public safety, corrections,
17 housing, health, education, employment, and mem-
18 bers of community and faith-based organizations
19 that provide reentry services.

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

1 “(i) REENTRY TASK FORCE.—

2 “(1) IN GENERAL.—As a condition of receiving
3 financial assistance under this section, each State or
4 local government receiving a grant shall establish or
5 empower a Reentry Task Force, or other relevant
6 convening authority, to examine ways to pool exist-
7 ing resources and funding streams to promote lower
8 recidivism rates for returning prisoners, and to mini-
9 mize the harmful effects of incarceration on families
10 and communities by collecting data and best prac-
11 tices in offender reentry from demonstration grant-
12 ees and other agencies and organizations.

13 “(2) MEMBERSHIP.—The task force or other
14 authority shall be comprised of relevant State or
15 local leaders, agencies, service providers, community-
16 based organizations, and stakeholders.

17 “(j) STRATEGIC PERFORMANCE OUTCOMES.—

18 “(1) IN GENERAL.—Each applicant shall iden-
19 tify specific performance outcomes related to the
20 long-term goals of increasing public safety and re-
21 ducing recidivism.

22 “(2) PERFORMANCE OUTCOMES.—The perform-
23 ance outcomes identified under paragraph (1) shall
24 include, with respect to offenders released back into
25 the community—

- 1 “(A) recommitment rates;
- 2 “(B) reduction in crime;
- 3 “(C) employment and education;
- 4 “(D) violations of conditions of supervised
- 5 release;
- 6 “(E) child support;
- 7 “(F) housing;
- 8 “(G) drug and alcohol abuse; and
- 9 “(H) participation in mental health serv-
- 10 ices.

11 “(3) OPTIONAL MEASURES.—States may also

12 report on other activities that increase the success

13 rates of offenders who transition from prison, such

14 as programs that foster effective risk management

15 and treatment programming, offender accountability,

16 and community and victim participation.

17 “(4) COORDINATION.—Applicants should co-

18 ordinate with communities and stakeholders about

19 the selection of performance outcomes identified by

20 the applicants and with the Department of Justice

21 for assistance with data collection and measurement

22 activities.

23 “(5) REPORT.—Each grantee shall submit an

24 annual report to the Department of Justice that—

1 “(A) identifies the grantee’s progress to-
2 ward achieving its strategic performance out-
3 comes; and

4 “(B) describes other activities conducted
5 by the grantee to increase the success rates of
6 the reentry population.

7 “(k) PERFORMANCE MEASUREMENT.—

8 “(1) IN GENERAL.—The Department of Jus-
9 tice, in consultation with the States, shall—

10 “(A) identify primary and secondary
11 sources of information to support the measure-
12 ment of the performance indicators identified
13 under this section;

14 “(B) identify sources and methods of data
15 collection in support of performance measure-
16 ment required under this section;

17 “(C) provide to all grantees technical as-
18 sistance and training on performance measures
19 and data collection for purposes of this section;
20 and

21 “(D) coordinate with the Substance Abuse
22 and Mental Health Services Administration on
23 strategic performance outcome measures and
24 data collection for purposes of this section relat-
25 ing to substance abuse and mental health.

1 “(2) COORDINATION.—The Department of Jus-
2 tice shall coordinate with other Federal agencies to
3 identify national sources of information to support
4 State performance measurement.

5 “(1) FUTURE ELIGIBILITY.—To be eligible to receive
6 a grant under this section for fiscal years after the first
7 receipt of such a grant, a State shall submit to the Attor-
8 ney General such information as is necessary to dem-
9 onstrate that—

10 “(1) the State has adopted a reentry plan that
11 reflects input from community-based and faith-based
12 organizations;

13 “(2) the public has been afforded an oppor-
14 tunity to provide input in the development of the
15 plan;

16 “(3) the State’s reentry plan includes perform-
17 ance measures to assess the State’s progress toward
18 increasing public safety by reducing by 10 percent
19 over the 2-year period the rate at which individuals
20 released from prison who participate in the reentry
21 system supported by Federal funds are recommitted
22 to prison; and

23 “(4) the State will coordinate with the Depart-
24 ment of Justice, community-based and faith-based
25 organizations, and other experts regarding the selec-

1 tion and implementation of the performance meas-
2 ures described in subsection (k).

3 “(m) NATIONAL ADULT AND JUVENILE OFFENDER
4 REENTRY RESOURCE CENTER.—

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

10 “(2) ELIGIBLE ORGANIZATION.—An organiza-
11 tion eligible for the grant under paragraph (1) is
12 any national nonprofit organization approved by the
13 Federal task force established under the Enhanced
14 Second Chance Act of 2004 that represents, provides
15 technical assistance and training to, and has special
16 expertise and broad, national-level experience in of-
17 fender reentry programs, training, and research.

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

21 “(A) provide education, training, and tech-
22 nical assistance for States, local governments,
23 territories, Indian tribes, service providers, faith
24 based organizations, and corrections institu-
25 tions;

1 “(B) collect data and best practices in of-
2 fender reentry from demonstration grantees and
3 others agencies and organizations;

4 “(C) develop and disseminate evaluation
5 tools, mechanisms, and measures to better as-
6 sess and document coalition performance meas-
7 ures and outcomes;

8 “(D) disseminate knowledge to States and
9 other relevant entities about best practices, pol-
10 icy standards, and research findings;

11 “(E) develop and implement procedures to
12 assist relevant authorities in determining when
13 release is appropriate and in the use of data to
14 inform the release decision;

15 “(F) develop and implement procedures to
16 identify efficiently and effectively those violators
17 of probation or parole who should be returned
18 to prison and those who should receive other
19 penalties based on defined, graduated sanctions;

20 “(G) collaborate with the Federal task
21 force established under the Enhanced Second
22 Chance Act of 2004 and the Federal Resource
23 Center for Children of Prisoners;

24 “(H) develop a national research agenda;
25 and

1 Government as the Attorney General considers appro-
2 priate, and in collaboration with stakeholders, service pro-
3 viders, community-based organizations, States, territories,
4 Indian tribes, and local governments, shall establish an
5 interagency task force on programs and activities relating
6 to the reentry of offenders into the community.

7 (b) DUTIES.—The task force established under sub-
8 section (a) shall—

9 (1) identify such programs and activities that
10 may be resulting in overlapping or duplication of
11 services, the scope of such overlapping or duplica-
12 tion, and the relationship of such overlapping and
13 duplication to public safety, public health, and effec-
14 tiveness and efficiency;

15 (2) identify methods to improve collaboration
16 and coordination of such programs and activities;

17 (3) identify areas of responsibility in which im-
18 proved collaboration and coordination of such pro-
19 grams and activities would result in increased effec-
20 tiveness or efficiency;

21 (4) develop innovative interagency or intergov-
22 ernmental programs, activities, or procedures that
23 would improve outcomes of reentering offenders and
24 children of offenders;

1 (5) develop methods for increasing regular com-
2 munication that would increase interagency program
3 effectiveness;

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

8 (7) identify funding areas that should be co-
9 ordinated across agencies and any gaps in funding;
10 and

11 (8) in conjunction with the National Adult and
12 Juvenile Offender Reentry Resource Center, identify
13 successful programs currently operating and collect
14 best practices in offender reentry from demonstra-
15 tion grantees and other agencies and organizations,
16 determine the extent to which such programs and
17 practices can be replicated, and make information on
18 such programs and practices available to States, lo-
19 calities, community-based organizations, and others.

20 (c) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the task force established under
22 subsection (a) shall submit a report, including rec-
23 ommendations, to Congress on barriers to reentry. The
24 task force shall provide for public input in preparing the
25 report. The report shall identify Federal and other bar-

1 riers to successful reentry of offenders into the community
2 and analyze the effects of such barriers on offenders and
3 on children and other family members of offenders, includ-
4 ing barriers to—

5 (1) parental incarceration as a consideration for
6 purposes of family reunification under the Adoption
7 and Safe Families Act of 1997;

8 (2) admissions in and evictions from Federal
9 housing programs;

10 (3) child support obligations and procedures;

11 (4) Social Security benefits, veterans benefits,
12 food stamps, and other forms of Federal public as-
13 sistance;

14 (5) Medicaid and Medicare procedures, require-
15 ments, regulations, and guidelines;

16 (6) education programs, financial assistance,
17 and full civic participation;

18 (7) TANF program funding criteria and other
19 welfare benefits;

20 (8) employment;

21 (9) laws, regulations, rules, and practices that
22 restrict Federal employment licensure and participa-
23 tion in Federal contracting programs;

24 (10) reentry procedures, case planning, and the
25 transition of persons from the custody of the Fed-

1 eral Bureau of Prisons to a Federal parole or proba-
2 tion program or community corrections;

3 (11) laws, regulations, rules, and practices that
4 may require a parolee to return to the same county
5 that the parolee was living in prior to his or her ar-
6 rest, and the potential for changing such laws, regu-
7 lations, rules, and practices so that a parolee may
8 change his or her setting upon release, and not set-
9 tle in the same location with persons who may be a
10 negative influence; and

11 (12) pre-release planning procedures for pris-
12 oners to ensure that a prisoner's eligibility for Fed-
13 eral or State benefits (including Medicaid, Medicare,
14 Social Security, and veteran's benefits) upon release
15 is established prior to release, subject to any limita-
16 tions under the law, and the provision of referrals to
17 appropriate social and health services or are linked
18 to appropriate community-based organizations.

19 (d) ANNUAL REPORTS.—On an annual basis, the
20 task force required by subsection (a) shall submit to Con-
21 gress a report on the activities of the task force, including
22 specific recommendations of the task force on matters re-
23 ferred to in subsection (b).

1 **SEC. 5. OFFENDER REENTRY RESEARCH.**

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

6 (1) a study identifying the number and charac-
7 teristics of children who have had a parent incarcer-
8 ated and the likelihood of these minors becoming in-
9 volved in the criminal justice system some time in
10 their lifetime;

11 (2) a study identifying a mechanism to compare
12 rates of recidivism (including re-arrest, violations of
13 parole and probation, and re-incarceration) among
14 States; and

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

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

23 (1) an analysis of special populations, including
24 prisoners with mental illness or substance abuse dis-
25 orders, female offenders, juvenile offenders, and the
26 elderly, that present unique reentry challenges;

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

4 (3) annual reports on the profile of the popu-
5 lation coming out of prisons, jails, and juvenile jus-
6 tice facilities;

7 (4) a national recidivism study every 3 years;
8 and

9 (5) a study of parole violations and revocations.

10 **SEC. 6. CHILDREN OF INCARCERATED PARENTS AND FAMI-**
11 **LIES.**

12 (a) INTAKE PROCEDURES AND EDUCATION PRO-
13 GRAMS.—

14 (1) PILOT PROGRAM.—The Federal Bureau of
15 Prisons shall, using amounts made available to carry
16 out this subsection, carry out a pilot program to—

17 (A) collect information regarding the de-
18 pendent children of an incarcerated person as
19 part of standard intake procedures, including
20 the number, age, and residence of such chil-
21 dren;

22 (B) review all policies, practices, and facili-
23 ties to ensure that, as appropriate to the health
24 and well-being of the child, they support the re-
25 lationship between family and child;

1 (C) identify the training needs of staff
2 with respect to the impact of incarceration on
3 children, families, and communities, age-appro-
4 priate interactions, and community resources
5 for the families of incarcerated persons; and

6 (D) take such steps as are necessary to en-
7 courage State correctional agencies to imple-
8 ment the requirements of subparagraphs (A)
9 through (C).

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to carry out
12 this subsection \$1,500,000 for each of fiscal years
13 2005 and 2006.

14 (b) DUTIES OF SECRETARY.—The Secretary of
15 Health and Human Services shall—

16 (1) review, and make available to States a re-
17 port on any recommendations regarding, the role of
18 State child protective services at the time of the ar-
19 rest of a person; and

20 (2) by regulation, establish such services as the
21 Secretary determines necessary, as appropriate to
22 the health and well-being of any child involved, for
23 the preservation of families that have been impacted
24 by the incarceration of a family member.

1 **SEC. 7. ENCOURAGEMENT OF EMPLOYMENT OF FORMER**
2 **PRISONERS.**

3 The Secretary of Labor shall take such steps as are
4 necessary to implement a program, including but not lim-
5 ited to the Employment and Training Administration, to
6 educate employers about existing incentives, including
7 bonding, to the hiring of former Federal, State, or county
8 prisoners.

9 **SEC. 8. FEDERAL RESOURCE CENTER FOR CHILDREN OF**
10 **PRISONERS.**

11 There are authorized to be appropriated to the Sec-
12 retary of Health and Human Services for each of fiscal
13 years 2005 and 2006, such sums as may be necessary for
14 the continuing activities of the Federal Resource Center
15 for Children of Prisoners, including conducting a review
16 of the policies and practices of State and Federal correc-
17 tions agencies to support parent-child relationships, as ap-
18 propriate for the health and well-being of the child.

19 **SEC. 9. ELIMINATION OF AGE REQUIREMENT FOR REL-**
20 **ATIVE CAREGIVER UNDER NATIONAL FAMILY**
21 **CAREGIVER SUPPORT PROGRAM.**

22 Section 372 of the National Family Caregiver Sup-
23 port Act (part E of title III of the Older Americans Act
24 of 1965; 42 U.S.C. 3030s) is amended in paragraph (3)
25 by striking “who is 60 years of age or older and—” and
26 inserting “who—”.

1 **SEC. 10. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**
2 **ONER IN COMMUNITY CORRECTIONS.**

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

5 “(c) PRE-RELEASE CUSTODY.—

6 “(1) IN GENERAL.—The Bureau of Prisons
7 shall, to the extent practicable, assure that a pris-
8 oner serving a term of imprisonment spends a rea-
9 sonable part of the final portion of the term to be
10 served, not to exceed 1 year, under conditions that
11 will afford the prisoner a reasonable opportunity to
12 adjust to and prepare for the prisoner’s reentry into
13 the community. Such conditions may include a com-
14 munity correctional facility.

15 “(2) AUTHORITY.—This subsection authorizes
16 the Bureau of Prisons to place a prisoner in home
17 confinement for the last 10 per centum of the term
18 to be served, not to exceed 6 months.

19 “(3) ASSISTANCE.—The United States Probation
20 System shall, to the extent practicable, offer as-
21 sistance to a prisoner during such pre-release cus-
22 tody.

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

1 **SEC. 11. USE OF VIOLENT OFFENDER TRUTH-IN-SEN-**
2 **TENCING GRANT FUNDING FOR DEMONSTRA-**
3 **TION PROJECT ACTIVITIES.**

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

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

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

11 (3) by adding at the end the following:

12 “(4) to carry out any activity referred to in
13 subsections (b) and (c) of section 2976 of the Omni-
14 bus Crime Control and Safe Streets Act of 1968 (42
15 U.S.C. 3797w(b)–(c)).”.

16 **SEC. 12. GRANTS TO STUDY PAROLE OR POST INCARCER-**
17 **ATION SUPERVISION VIOLATIONS AND REV-**
18 **OCATIONS.**

19 (a) GRANTS AUTHORIZED.—From amounts made
20 available to carry out this section, the Attorney General
21 may award grants to States to study, and to improve the
22 collection of data with respect to, individuals whose parole
23 or post incarceration supervision is revoked and which
24 such individuals represent the greatest risk to community
25 safety.

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

3 (1) certify that the State has, or intends to es-
4 tablish, a program that collects comprehensive and
5 reliable data with respect to individuals described in
6 subsection (a), including data on—

7 (A) the number and type of parole or post
8 incarceration supervision violations that occur
9 within the State;

10 (B) the reasons for parole or post incarcer-
11 ation supervision revocation;

12 (C) the underlying behavior that led to the
13 revocation; and

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

16 (2) provide the data described in paragraph (1)
17 to the Bureau of Justice Statistics, in a form pre-
18 scribed by the Bureau.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$1,000,000 for each of fiscal years 2005 and 2006.

1 **SEC. 13. REAUTHORIZATION OF RESIDENTIAL SUBSTANCE**
2 **ABUSE TREATMENT FOR STATE PRISONERS**
3 **PROGRAM.**

4 (a) IN GENERAL.—The Omnibus Crime Control and
5 Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.) is
6 amended by inserting after section 1905 the following:

7 **“SEC. 1906. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated such sums
9 as are necessary to carry out the purposes of this part
10 for each of fiscal years 2005 through 2010.”.

11 (b) IMPROVEMENTS TO PROGRAM.—Section 1902 of
12 the Omnibus Crime Control and Safe Streets Act of 1968
13 (42 U.S.C. 3796ff–1) is amended—

14 (1) in subsection (c)—

15 (A) in the subsection heading, by striking
16 “ELIGIBILITY FOR PREFERENCE WITH” and
17 inserting “REQUIREMENT FOR”;

18 (B) by striking paragraph (1) and insert-
19 ing the following:

20 “(1) To be eligible for funding under this part,
21 a State shall ensure that individuals who participate
22 in the evidence-based substance abuse treatment
23 program established or implemented with assistance
24 provided under this part will be provided with
25 aftercare services.”; and

26 (C) by adding at the end the following:

1 (2) in paragraph (5), by striking subparagraph
2 (A) and inserting the following:

3 “(A) the term ‘residential substance abuse
4 treatment’ means a course of evidence-based in-
5 dividual and group activities and treatment,
6 lasting not less than 6 months, in residential
7 treatment facilities set apart from the general
8 prison population, and such treatment can in-
9 clude the use of pharmacotherapies, where ap-
10 propriate, that may be administered for more
11 than 6 months;”.

12 **SEC. 15. 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” and inserting “of which not less than
20 10 percent”.

21 (b) **REPORT.**—Not later than 180 days after the date
22 of enactment of this Act, the Secretary of Education shall
23 submit to Congress a report on the use of literacy funds
24 to correctional institutions, as defined in section 225(d)(2)
25 of the Adult Education and Family Literacy Act (20

1 U.S.C. 9224(d)(2)). The report shall specify the amount
2 of literacy funds that are provided to each category of cor-
3 rectional institution in each State, and identify whether
4 funds are being sufficiently allocated among the various
5 types of institutions.

6 **SEC. 16. TECHNICAL AMENDMENT TO DRUG-FREE STU-**
7 **DENT LOANS PROVISION TO ENSURE THAT IT**
8 **APPLIES ONLY TO OFFENSES COMMITTED**
9 **WHILE RECEIVING FEDERAL AID.**

10 Section 4840(r)(1) of the Higher Education Act of
11 1965 (20 U.S.C. 1091(r)(1)) is amended by striking “A
12 student” and all that follows through “table:” and insert-
13 ing the following: “A student who is convicted of any of-
14 fense under any Federal or State law involving the posses-
15 sion or sale of a controlled substance for conduct that oc-
16 curred during a period of enrollment for which the student
17 was receiving any grant, loan, or work assistance under
18 this title shall not be eligible to receive any grant, loan,
19 or work assistance under this title from the date of that
20 conviction for the period of time specified in the following
21 table:”.

22 **SEC. 17. MENTORING GRANTS TO COMMUNITY-BASED OR-**
23 **GANIZATIONS.**

24 (a) **AUTHORITY TO MAKE GRANTS.**—From amounts
25 made available under this section, the Secretary of Labor

1 shall make grants to community-based organizations for
2 the purpose of providing mentoring and other transitional
3 services essential to reintegrating ex-offenders and incar-
4 cerated persons into society.

5 (b) USE OF FUNDS.—Grant funds awarded under
6 subsection (a) may be used for—

- 7 (1) mentoring adult and juvenile offenders; and
- 8 (2) transitional services to assist in the re-inte-
9 gration of ex-offenders into the community.

10 (c) APPLICATION.—To be eligible to receive a grant
11 under this section, a community-based organization shall
12 submit an application to the Secretary of Labor, based
13 upon criteria developed by the Secretary of Labor in con-
14 sultation with the Attorney General and the Secretary of
15 Housing and Urban Development.

16 (d) STRATEGIC PERFORMANCE OUTCOMES.—The
17 Secretary of Labor may require each applicant to identify
18 specific performance outcomes related to the long-term
19 goal of stabilizing communities by reducing recidivism and
20 re-integrating ex-offenders and incarcerated persons into
21 society.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 \$15,000,000 for each of fiscal years 2005 and 2006.

1 **SEC. 18. GROUP HOMES FOR RECOVERING SUBSTANCE**
2 **ABUSERS.**

3 Section 1925 of the Public Health Service Act (42
4 U.S.C. 300x-25) is amended—

5 (1) in subsection (a)(4), by striking “\$4,000”
6 and inserting “\$6,000”; and

7 (2) by adding at the end the following:

8 “(d) RECOVERY HOME OUTREACH WORKERS.—

9 “(1) IN GENERAL.—The Secretary shall award
10 a grant to an eligible entity to enable such entity to
11 establish group homes for recovering substance
12 abusers in accordance with this section.

13 “(2) ELIGIBILITY.—To be eligible to receive a
14 grant under paragraph (1), an entity shall—

15 “(A) be a national nonprofit organization
16 that has established at least 500 self-adminis-
17 tered, self-supported substance abuse recovery
18 homes; and

19 “(B) prepare and submit to the Secretary
20 an application at such time, in such manner,
21 and containing such information as the Sec-
22 retary may require.

23 “(3) USE OF FUNDS.—An entity shall use
24 amounts received under the grant under paragraph
25 (1) to—

1 “(A) establish group homes for recovering
2 substance abusers that conform to the require-
3 ments of subparagraphs (A) through (D) of
4 subsection (a)(6), through activities including—

5 “(i) locating a suitable facility to use
6 as the group home;

7 “(ii) the execution of a lease for the
8 use of such home; and

9 “(iii) obtaining a charter for the oper-
10 ation of such home from a national non-
11 profit organization;

12 “(B) recruit recovering substance abusers
13 to reside in the group home by working with
14 criminal justice officials and substance abuse
15 treatment providers, including through activities
16 targeting individuals being released from incar-
17 ceration; and

18 “(C) carry out other activities related to
19 establishing a group home for recovering sub-
20 stance abusers.

21 “(4) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated to carry out
23 this subsection, \$1,000,000 for each of fiscal years
24 2005 through 2009. Amounts appropriated under

1 this paragraph shall be in addition to amounts oth-
2 erwise appropriated to carry out this subpart.”.

3 **SEC. 19. IMPROVED REENTRY PROCEDURES FOR FEDERAL**
4 **PRISONERS.**

5 (a) GENERAL REENTRY PROCEDURES.—The Depart-
6 ment of Justice shall take such steps as are necessary to
7 modify existing procedures and policies to enhance case
8 planning and to improve the transition of persons from
9 the custody of the Bureau of Prisons to the community,
10 including placement of such individuals in community cor-
11 rections facilities.

12 (b) PROCEDURES REGARDING BENEFITS.—The Bu-
13 reau of Prisons shall establish pre-release planning proce-
14 dures for Federal prisoners to ensure that a prisoner’s eli-
15 gibility for Federal or State benefits (including Medicaid,
16 Medicare, Social Security and veterans benefits) upon re-
17 lease is established prior to release, subject to any limita-
18 tions in law. The Bureau shall also coordinate with in-
19 mates to ensure that inmates have medical appointments
20 scheduled and have plans to secure needed and sufficient
21 medications, particularly with regard to the treatment of
22 mental illness. The Bureau shall provide each ex-offender
23 released from Federal prisons information on how the re-
24 entering offender can restore voting rights, and other civil
25 or civic rights, denied to the reentering offender based

1 upon their offender status in the State to which that reen-
2 tering offender shall be returning. This information shall
3 be provided to each reentering offender in writing, and in
4 a language that the reentering offender can understand.

5 **SEC. 20. FAMILY UNIFICATION IN PUBLIC HOUSING.**

6 Section 576 of the Quality Housing and Work Re-
7 sponsibility Act of 1988 (Public Law 105–276; 42 U.S.C.
8 13661) is amended—

9 (1) by striking subsection (c) and inserting the
10 following:

11 “(c) **AUTHORITY TO DENY ADMISSION TO CRIMINAL**
12 **OFFENDERS.**—

13 “(1) **IN GENERAL.**—Except as provided in sub-
14 sections (a) and (b) of this section and in addition
15 to any other authority to screen applicants, in select-
16 ing among applicants for admission to the program
17 or to federally assisted housing, if the public housing
18 agency or owner of such housing, as applicable, de-
19 termines that an applicant or any member of the ap-
20 plicant’s household is engaged in or was convicted
21 of, during a reasonable time preceding the date
22 when the applicant household would otherwise be se-
23 lected for admission, any drug-related or violent
24 criminal activity or other criminal activity which
25 would adversely affect the health, safety, or right to

1 peaceful enjoyment of the premises by other resi-
2 dents, the owner, or public housing agency employ-
3 ees, the public housing agency or owner may—

4 “(A) deny such applicant admission to the
5 program or to federally assisted housing; and

6 “(B) after the expiration of the reasonable
7 period beginning upon such activity, require the
8 applicant, as a condition of admission to the
9 program or to federally assisted housing, to
10 submit to the public housing agency or owner
11 evidence sufficient (as the Secretary shall by
12 regulation provide) to ensure that the individual
13 or individuals in the applicant’s household who
14 engaged in criminal activity for which denial
15 was made under paragraph (1) have not en-
16 gaged in any criminal activity during such rea-
17 sonable period.

18 “(2) CONSIDERATION OF REHABILITATION.—In
19 determining whether, pursuant to paragraph (1), to
20 deny admission to the program or federally assisted
21 housing to any household, a public housing agency
22 or an owner shall, prior to an initial denial of eligi-
23 bility, consider the following factors:

24 “(A) The effect of denial on the applicant’s
25 family, particularly minor children.

1 “(B) Whether such household member has
2 successfully completed a supervised drug or al-
3 cohol rehabilitation program (as applicable) and
4 is no longer engaging in the illegal use of a con-
5 trolled substance or abuse of alcohol (as appli-
6 cable) to the extent that such use would con-
7 stitute a threat to the health, safety, or well-
8 being of other residents.

9 “(C) Whether such household member has
10 otherwise been rehabilitated successfully and is
11 no longer engaging in the illegal use of a con-
12 trolled substance or abuse of alcohol (as appli-
13 cable) to the extent that such use would con-
14 stitute a threat to the health, safety, or well-
15 being of other residents.

16 “(D) Whether such household member is
17 participating in a supervised drug or alcohol re-
18 habilitation program (as applicable) and is no
19 longer engaging in the illegal use of a controlled
20 substance or abuse of alcohol (as applicable) to
21 the extent that such use would constitute a
22 threat to the health, safety, or well-being of
23 other residents.

24 “(E) Other mitigating circumstances such
25 as—

1 “(i) the applicant’s involvement in the
2 community;

3 “(ii) the applicant’s enrollment in or
4 completion of a job training program;

5 “(iii) the employment status of the
6 applicant;

7 “(iv) any other circumstances which
8 reflect the efforts the applicant has made
9 toward rehabilitation; and

10 “(v) the availability of other housing
11 options.”; and

12 (2) by adding at the end the following:

13 “(d) **CONDITIONAL ELIGIBILITY.**—A public housing
14 agency or owner of such housing may condition an appli-
15 cant’s or a household’s eligibility for federally assisted
16 housing on the participation of the applicant, or a member
17 of the applicant’s household, in a supervised rehabilitation
18 program, or other appropriate social services.”.

○