

108TH CONGRESS
1ST SESSION

S. 672

To require a 50 hour workweek for Federal prison inmates and to establish a grant program for mandatory drug testing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2003

Mr. ENSIGN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require a 50 hour workweek for Federal prison inmates and to establish a grant program for mandatory drug testing, 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 “Mandatory Prison
5 Work and Drug Testing Act of 2003”.

6 **SEC. 2. MANDATORY WORK REQUIREMENT FOR FEDERAL**
7 **INMATES.**

8 Section 2905 of the Crime Control Act of 1990 (18
9 U.S.C. 4121 note) is amended by adding at the end the
10 following:

1 “(b) 50 HOUR WORKWEEK.—

2 “(1) IN GENERAL.—Subject to subsection (a),
3 inmates confined in Federal prisons shall engage
4 in—

5 “(A) work, for not less than 50 hours
6 weekly;

7 “(B) job-training; and

8 “(C) educational and life skills preparation
9 study.

10 “(2) NONPROFITS.—The services of inmates
11 confined in Federal prisons may be made available
12 to nonprofit entities to carry out the business or
13 other functions of that nonprofit entity.

14 “(3) USE OF WAGES.—

15 “(A) IN GENERAL.—Wages may be earned
16 by inmates engaged in the 50 hour work week
17 program under paragraph (1), and of those
18 wages—

19 “(i) one fourth shall be used to offset
20 the cost of incarceration of the inmate;

21 “(ii) one fourth shall be used for vic-
22 tim restitution;

23 “(iii) one tenth shall be held in a non-
24 interest bearing account for the individual

1 inmate and shall be paid upon release of
2 that inmate from prison;

3 “(iv) one fourth shall be paid directly
4 to the inmate for mandatory expenses and
5 for daily basic needs while the inmate is
6 incarcerated; and

7 “(v) the remainder shall be distrib-
8 uted to—

9 “(I) States that the Attorney
10 General determines have substantially
11 the same prison work requirements
12 and prison conditions as established
13 for Federal prisons; and

14 “(II) local jurisdictions that oper-
15 ate correctional facilities to benefit the
16 dependents of inmates.

17 “(B) NONELIGIBILITY FOR RELEASE.—If
18 an inmate is not eligible for release, the amount
19 held under subparagraph (A)(iii) shall imme-
20 diately be available for use under subparagraph
21 (A)(ii).”.

22 **SEC. 3. FEDERAL PRISONS.**

23 (a) **ZERO TOLERANCE POLICY FOR DRUG USE.—**
24 There shall be established a zero tolerance policy for drug
25 use in the Federal prison system, which shall include—

1 (1) not less than 12 times each year, random
2 drug testing of inmates and routine sweeps and in-
3 spections for drugs and other contraband in prison
4 cells;

5 (2) mandatory drug testing of a prison em-
6 ployee upon the hiring of that employee;

7 (3) not less than 2 times each year, random
8 drug testing of all prison employees;

9 (4) mandatory drug testing of an inmate upon
10 release of that inmate from prison;

11 (5) prison disciplinary actions and criminal
12 prosecution for the possession or use of any drugs
13 in any Federal prison; and

14 (6) residential drug treatment programs for all
15 inmates.

16 (b) PRISON CONDITIONS.—The Bureau of Prisons
17 shall ensure that Federal prisoners do not—

18 (1) smoke, use, or possess any type of tobacco;

19 (2) possess, view, or read pornographic or sexu-
20 ally explicit materials;

21 (3) possess microwave ovens, hot plates, toaster
22 ovens, televisions (unless provided by the prison for
23 group viewing), or video cassette recorders (VCRs);

24 (4) possess or listen to music which contains
25 lyrics that are violent, sexually explicit, vulgar, glam-

1 orize gang membership or activities, demean women,
2 or disrespect law enforcement;

3 (5) view cable television which is not edu-
4 cational in nature; and

5 (6) engage in sexual activity.

6 **SEC. 4. DRUG-FREE STATE PRISONS AND LOCAL JAILS IN-**
7 **CENTIVE GRANTS.**

8 Subtitle A of title II of the Violent Crime Control
9 and Law Enforcement Act of 1994 (42 U.S.C. 13701 et
10 seq.) is amended by adding at the end the following:

11 **“SEC. 20113. DRUG-FREE PRISONS AND JAILS BONUS**
12 **GRANTS.**

13 “(a) IN GENERAL.—The Attorney General shall
14 make incentive grants in accordance with this section to
15 eligible States and units of local government in order to
16 establish drug-free prisons and jails.

17 “(b) RESERVATION OF FUNDS.—Notwithstanding
18 any other provision of this subtitle, in each fiscal year,
19 before making the allocations under sections 20106 and
20 20108(a)(2), or the reservation under section 20109, the
21 Attorney General shall reserve 10 percent of the amount
22 made available to carry out this subtitle for grants under
23 this section.

24 “(c) ELIGIBILITY.—

1 “(1) IN GENERAL.—To be eligible to receive a
2 grant under this section, a State or unit of local gov-
3 ernment shall establish within 12 months of the ini-
4 tial submission of an application for a grant under
5 this section, a program for drug-free prisons and
6 jails within the jurisdiction of that State or unit of
7 local government.

8 “(2) CONTENTS OF PROGRAM OR POLICY.—The
9 drug-free prisons and jails program established
10 under paragraph (1) shall include—

11 “(A) a zero-tolerance policy for drug use or
12 presence in State or local facilities, including,
13 not less than 12 times each year, random drug
14 testing of inmates and routine sweeps and in-
15 spections for drugs and other contraband in
16 prison and jail cells;

17 “(B) prison disciplinary actions and crimi-
18 nal prosecution for the possession or use of any
19 drugs in any prison or jail;

20 “(C) mandatory drug testing of a prison or
21 jail employee upon the hiring of that employee;

22 “(D) not less than 2 times each year, ran-
23 dom drug testing of all prison and jail employ-
24 ees;

1 “(E) mandatory drug testing of all inmates
2 upon intake and upon release from incarcer-
3 ation; and

4 “(F) residential drug treatment programs
5 for all inmates.

6 “(d) APPLICATION.—In order to be eligible to receive
7 a grant under this section, a State or unit of local govern-
8 ment shall submit to the Attorney General an application,
9 in such form and containing such information, including
10 rates of positive drug tests among inmates upon intake
11 and release from incarceration, as the Attorney General
12 may reasonably require.

13 “(e) USE OF FUNDS.—Amounts received by a State
14 or unit of local government from a grant under this section
15 may be used—

16 “(1) to implement the program established
17 under subsection (c); or

18 “(2) for any other purpose permitted by this
19 subtitle.

20 “(f) ALLOCATION OF FUNDS.—Grants awarded
21 under this section shall be in addition to any other grants
22 a State or unit of local government may be eligible to re-
23 ceive under this subtitle or under part S of title I of the
24 Omnibus Crime Control and Safe Streets Act of 1968 (42
25 U.S.C. 3796ff et seq.).

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—In ad-
2 dition to amounts allocated under this subtitle, there are
3 authorized to be appropriated to carry out this section
4 \$50,000,000 for each of fiscal years 2004 through 2006.”.

5 **SEC. 5. BOOT CAMP REQUIREMENT.**

6 Section 4046 of title 18, United States Code, is
7 amended—

8 (1) in subsection (a)—

9 (A) by striking “The Bureau of Prisons
10 may” and inserting “Except as provided in sub-
11 section (d), the Bureau of Prisons shall”; and

12 (B) by striking “of more than 12” and all
13 that follows through the end of such subsection
14 and inserting a period;

15 (2) in subsection (b), by striking “not to exceed
16 6 months” and inserting “which shall be not less
17 than 4 weeks”; and

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

19 “(d) An inmate who, in the judgment of the Bureau
20 of Prisons, either does not successfully complete the re-
21 quired period of shock incarceration or is physically or
22 mentally unfit to participate in the activities required by
23 shock incarceration, shall be—

24 “(1) confined to that inmate’s cell for not less
25 than 23 hours each day during the portion of the

1 term of imprisonment that would otherwise be spent
2 in shock incarceration; and

3 “(2) be granted only those privileges that are
4 required by law.”.

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