

109TH CONGRESS
1ST SESSION

H. R. _____

To establish a commission to review Federal inmate work opportunities,
and recommend appropriate legislation.

IN THE HOUSE OF REPRESENTATIVES

Mr. CHABOT introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish a commission to review Federal inmate work
opportunities, and recommend appropriate legislation.

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 “Federal Inmate Work
5 Opportunities Review Commission Act”.

6 **SEC. 2. CREATION OF A COMMISSION TO REVIEW AND PRO-**

7 **POSE LEGISLATION ON FEDERAL INMATE**
8 **WORK OPPORTUNITIES.**

9 (a) **ESTABLISHMENT.**—There is established a com-
10 mission to be known as the Federal Inmate Work Oppor-



1 tunities Review Commission (in this Act referred to as the
2 “Commission”).

3 (b) MEMBERS.—

4 (1) IN GENERAL.—The Commission shall be
5 composed of 9 members, of whom—

6 (A) 3 shall be appointed by the President;

7 (B) 2 shall be appointed by the Speaker of
8 the House of Representatives, unless the Speak-
9 er is of the same party as the President, in
10 which case 1 shall be appointed by the Speaker
11 of the House of Representatives and 1 shall be
12 appointed by the minority leader of the House
13 of Representatives;

14 (C) 1 shall be appointed by the minority
15 leader of the House of Representatives (in addi-
16 tion to any appointment made under subpara-
17 graph (B));

18 (D) 2 shall be appointed by the majority
19 leader of the Senate, unless the majority leader
20 is of the same party as the President, in which
21 case 1 shall be appointed by the majority leader
22 of the Senate and 1 shall be appointed by the
23 minority leader of the Senate; and



1 (E) 1 shall be appointed by the minority
2 leader of the Senate (in addition to any ap-
3 pointment made under subparagraph (D)).

4 (2) PERSONS ELIGIBLE.—Each member of the
5 Commission shall be an individual who has knowl-
6 edge or expertise in matters to be studied by the
7 Commission.

8 (3) TERM.—Each member shall be appointed
9 for the life of the Commission.

10 (4) TIME FOR INITIAL APPOINTMENTS.—The
11 appointment of the members shall be made not later
12 than 60 days after the date of enactment of this
13 Act.

14 (5) VACANCIES.—A vacancy in the Commission
15 shall be filled in the manner in which the original
16 appointment was made, and shall be made not later
17 than 60 days after the date on which the vacancy
18 occurred.

19 (c) OPERATION.—

20 (1) CHAIRPERSON.—Not later than 15 days
21 after appointments of all the members are made, the
22 President shall appoint a chairperson for the Com-
23 mission from among its members.

24 (2) MEETINGS.—The Commission shall meet at
25 the call of the chairperson. The initial meeting of the



1 Commission shall take place not later than 30 days
2 after the initial appointment of the members is com-
3 pleted.

4 (3) QUORUM.—A majority of the members of
5 the Commission shall constitute a quorum to con-
6 duct business, but the Commission may establish a
7 lesser quorum for conducting hearings scheduled by
8 the Commission.

9 (4) RULES.—The Commission may establish by
10 majority vote any other rules for the conduct of
11 Commission business, if such rules are not incon-
12 sistent with this Act or other applicable law.

13 (d) DUTIES.—The Commission shall perform the fol-
14 lowing duties:

15 (1) Examine the State of Federal Prison Indus-
16 tries, including an examination of—

17 (A) its impact on the Federal Bureau of
18 Prison's correctional mission, including the re-
19 duction of recidivism and safe prison manage-
20 ment;

21 (B) its impact on both the private sector
22 and private labor markets; and

23 (C) the market viability of Federal Prison
24 Industries products and services, and the num-



1 ber of inmates employed by Federal Prison In-
2 dustries.

3 The examination required by this paragraph (1)
4 shall specifically include determining the impacts of
5 Section 637 of Division F, Consolidated Appropria-
6 tions Act, 2004, Pub. L. 108–199; section 637 of
7 Division H, Consolidated Appropriations Act, 2005,
8 Public Law 108–447; and section 2410n of title 10,
9 United States Code, and the potential impacts of
10 other legislative proposals pending before Congress,
11 on the matters identified in subparagraphs (A), (B),
12 and (C) of this paragraph (1).

13 (2) Examine alternative methods, including new
14 legislative authorizations, that can be employed by
15 the Department of Justice to maximize inmate work
16 opportunities while minimizing domestic private sec-
17 tor job displacement, including an examination of
18 State and foreign government inmate work pro-
19 grams.

20 (3) Study such other issues as the Commission
21 may determine necessary to its mission.

22 (e) REPORT, INCLUDING RECOMMENDED LEGISLA-
23 TION.—

24 (1) DISTRIBUTION.—Not later than 2 years
25 after the date of the initial meeting of the Commis-



1 sion, the Commission shall submit a report on the
2 examinations and studies carried out under this Act
3 to—

4 (A) the President;

5 (B) Congress;

6 (C) the chairman and ranking member of
7 the Senate Judiciary Committee;

8 (D) the chairman and ranking member of
9 the House Judiciary Committee; and

10 (E) the Attorney General.

11 (2) CONTENTS.—The report under paragraph
12 (1) shall include—

13 (A) the findings and conclusions of the
14 Commission;

15 (B) recommended legislation, reflecting the
16 findings and conclusions of the Commission, to
17 be considered and enacted by Congress to re-
18 form Federal prison work programs; and

19 (C) a summary of the materials relied on
20 by the Commission in the preparation of the re-
21 port.

22 (f) HEARINGS AND SESSIONS.—

23 (1) IN GENERAL.—The Commission may, for
24 the purpose of carrying out the provisions of this
25 Act, hold such hearings and sit and act at such



1 times and at such places in the United States, and
2 request the attendance and testimony of such wit-
3 nesses and the production of such books, records,
4 correspondence, memoranda, papers, and documents,
5 as the Commission considers appropriate.

6 (2) SUBPOENAS.—

7 (A) ISSUANCE.—The Commission may
8 issue subpoenas for the attendance of witnesses
9 and the production of written or other matter.

10 (B) ENFORCEMENT.—In the case of contu-
11 macy or refusal to obey a subpoena, the Attor-
12 ney General may in a Federal court of appro-
13 priate jurisdiction obtain an appropriate order
14 to enforce the subpoena.

15 (C) CONFIDENTIALITY OF DOCUMENTARY
16 EVIDENCE.—Documents provided to the Com-
17 mission pursuant to a subpoena issued under
18 this subsection shall not be released publicly
19 without the affirmative vote of $\frac{2}{3}$ of the Com-
20 mission.

21 (g) CONSULTATION REQUIRED.—The Commission
22 shall consider the views of all relevant parties affected by
23 the future of inmate work programs including—

24 (1) private sector businesses, both those that al-
25 lege they are harmed by Federal Prison Industries



1 and those that currently supply Federal Prison In-
2 dustries;

3 (2) labor unions;

4 (3) corrections administrators; and

5 (4) other organizations and persons with an in-
6 terest in corrections and the reentry of offenders
7 back into the community.

8 (h) PERSONNEL MATTERS.—

9 (1) BASIC PAY.—Members of the Commission
10 shall serve without pay.

11 (2) TRAVEL EXPENSES.—The members of the
12 Commission shall be allowed travel expenses, includ-
13 ing per diem in lieu of subsistence, at rates author-
14 ized for employees of agencies under subchapter I of
15 chapter 57 of title 5, United States Code, while
16 away from their homes or regular places of business
17 in the performance of service for the Commission.

18 (3) DETAIL OF FEDERAL EMPLOYEES.—With
19 the affirmative vote of $\frac{2}{3}$ of the Commission, any
20 Federal Government employee, with the approval of
21 the head of the appropriate Federal agency, may be
22 detailed to the Commission without reimbursement,
23 and such detail shall be without interruption or loss
24 of civil service status, benefits, or privileges.



1 (4) ADMINISTRATIVE SUPPORT SERVICES.—
2 Upon the request of the Commission, the Adminis-
3 trator of General Services may provide to the Com-
4 mission, on a nonreimbursable basis, the administra-
5 tive support services necessary for the Commission
6 to carry out its responsibilities under this Act.

7 **SEC. 3. TERMINATION.**

8 The Commission shall terminate on the date that is
9 60 days after the date on which the Commission submits
10 the report and recommended legislation required by this
11 Act.

12 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated such sums
14 as may be necessary to carry out this Act.

