

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

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**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.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Mandatory Prison Work and Drug Testing Act of 2003'.

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

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

`(b) 50 HOUR WORKWEEK-

`(1) IN GENERAL- Subject to subsection (a), inmates confined in Federal prisons shall engage in--

`(A) work, for not less than 50 hours weekly;

`(B) job-training; and

`(C) educational and life skills preparation study.

`(2) NONPROFITS- The services of inmates confined in Federal prisons may be made available to nonprofit entities to carry out the business or other functions of that nonprofit entity.

`(3) USE OF WAGES-

`(A) IN GENERAL- Wages may be earned by inmates engaged in the 50 hour work week program under paragraph (1), and of those wages--

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

`(ii) one fourth shall be used for victim restitution;

`(iii) one tenth shall be held in a non-interest bearing account for the individual inmate and shall be paid upon release of that inmate from prison;

`(iv) one fourth shall be paid directly to the inmate for mandatory expenses and for daily basic needs while the inmate is incarcerated; and

`(v) the remainder shall be distributed to--

`(I) States that the Attorney General determines have substantially the same prison work requirements and prison conditions as established for Federal prisons; and

`(II) local jurisdictions that operate correctional facilities to benefit the dependents of inmates.

`(B) NONELIGIBILITY FOR RELEASE- If an inmate is not eligible for release, the amount held under subparagraph (A)(iii) shall immediately be available for use under subparagraph (A)(ii).'

**SEC. 3. FEDERAL PRISONS.**

(a) ZERO TOLERANCE POLICY FOR DRUG USE- There shall be established a zero tolerance policy for drug use in the Federal prison system, which shall include--

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

(2) mandatory drug testing of a prison employee upon the hiring of that employee;

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

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

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

(6) residential drug treatment programs for all inmates.

(b) PRISON CONDITIONS- The Bureau of Prisons shall ensure that Federal prisoners do not--

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

(2) possess, view, or read pornographic or sexually explicit materials;

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

- (4) possess or listen to music which contains lyrics that are violent, sexually explicit, vulgar, glamorize gang membership or activities, demean women, or disrespect law enforcement;
- (5) view cable television which is not educational in nature; and
- (6) engage in sexual activity.

**SEC. 4. DRUG-FREE STATE PRISONS AND LOCAL JAILS INCENTIVE GRANTS.**

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

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

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

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

(c) ELIGIBILITY-

(1) IN GENERAL- To be eligible to receive a grant under this section, a State or unit of local government shall establish within 12 months of the initial submission of an application for a grant under this section, a program for drug-free prisons and jails within the jurisdiction of that State or unit of local government.

(2) CONTENTS OF PROGRAM OR POLICY- The drug-free prisons and jails program established under paragraph (1) shall include--

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

(B) prison disciplinary actions and criminal prosecution for the possession or use of any drugs in any prison or jail;

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

(D) not less than 2 times each year, random drug testing of all prison and jail employees;

(E) mandatory drug testing of all inmates upon intake and upon release from incarceration; and

(F) residential drug treatment programs for all inmates.

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

(e) USE OF FUNDS- Amounts received by a State or unit of local government from a grant under this section may be used--

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

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

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

(g) AUTHORIZATION OF APPROPRIATIONS- In addition to amounts allocated under this subtitle, there are authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2004 through 2006.

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

Section 4046 of title 18, United States Code, is amended--

(1) in subsection (a)--

(A) by striking 'The Bureau of Prisons may' and inserting 'Except as provided in subsection (d), the Bureau of Prisons shall'; and

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

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

(3) by adding at the end the following:

(d) An inmate who, in the judgment of the Bureau of Prisons, either does not successfully complete the required period of shock incarceration or is physically or mentally unfit to participate in the activities required by shock incarceration, shall be--

(1) confined to that inmate's cell for not less than 23 hours each day during the portion of the term of imprisonment that would otherwise be spent in shock incarceration; and

(2) be granted only those privileges that are required by law.