

LIEUTENANT OSVALDO ALBARATI CORRECTIONAL
 OFFICER SELF-PROTECTION ACT OF 2017

MAY 15, 2018.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary,
 submitted the following

R E P O R T

[To accompany H.R. 613]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 613) to amend title 18, United States Code, to require that the Director of the Bureau of Prisons ensure that each chief executive officer of a Federal penal or correctional institution provides a secure storage area located outside of the secure perimeter of the Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for the Legislation	2
Hearings	2
Committee Consideration	2
Committee Votes	2
Committee Oversight Findings	2
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Duplication of Federal Programs	4
Disclosure of Directed Rule Makings	4
Performance Goals and Objectives	4
Advisory on Earmarks	4
Section-by-Section Analysis	4
Changes in Existing Law Made by the Bill, as Reported	5

Purpose and Summary

H.R. 613 amends title 18, United States Code, to require that the Director of the Bureau of Prisons ensure that each chief executive officer of a Federal penal or correctional institution provides a secure storage area located outside of the secure perimeter of the Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons.

Background and Need for the Legislation

The Law Enforcement Officers Safety Act¹ gives certain law enforcement officers, including certain correctional officers of the Bureau of Prisons (BOP), the right to carry a concealed firearm in all 50 States for self-protection. While current law allows law enforcement officers to carry their firearms in an off-duty status, the BOP does not permit correctional officers to safely secure their personal firearms in secured locker space at its institutions. This leaves correctional workers vulnerable to attack commuting to and from work because they must leave their firearms at home without a safe place to store them at correctional institutions.

On the evening of February 26, 2013, BOP Lieutenant Osvaldo Albarati was ambushed and murdered while on his way home from work. The shooting was carried out with assistance from federal inmates housed at Metropolitan Detention Center (MDC) Guaynabo, Puerto Rico where Lieutenant Albarati worked. Authorities believe that Lieutenant Albarati's murder was a direct result of his work at the prison—specifically, in retaliation for his investigations into cell phone smuggling at the MDC. Due to existing BOP policy, Lieutenant Albarati had no firearm available to protect himself because BOP does not provide safe, secure gun lockers for staff.

Hearings

The Committee on the Judiciary held no hearings on H.R. 613.

Committee Consideration

On April 27, 2017, the Committee met in open session and ordered the bill, H.R. 613, favorably reported, without amendment, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 613.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

¹ Pub. L. No. 108-277 (2004).

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to H.R. 613, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 2017.

Hon. BOB GOODLATTE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 613, the Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese, who can be reached at 226–2860.

Sincerely,

KEITH HALL.

Enclosure.

cc: Honorable John Conyers Jr.
Ranking Member

H.R. 613—Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2017

As ordered reported by the House Committee on the Judiciary on
April 27, 2017.

H.R. 613 would require the Bureau of Prisons (BOP) to either provide its law enforcement officers with a secure storage area outside of federal penal and correctional institutions to store firearms or permit storage in a BOP-approved lock box within officers' vehicles. The bill also would allow BOP officers to carry concealed firearms outside of the secure perimeter of the institution where they work.

Based on information from the Department of Justice, CBO estimates that implementing H.R. 613 would have a negligible cost because BOP would probably opt to have the officers store their firearms in a lockbox within their vehicles.

Enacting H.R. 613 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 613 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 613 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Robert Reese. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

Duplication of Federal Programs

No provision of H.R. 613 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

The Committee finds that H.R. 613 contains no directed rule making within the meaning of 5 U.S.C. § 551.

Performance Goals and Objectives

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee states that H.R. 613 will amend title 18, United States Code, to require that the Director of the Bureau of Prisons ensure that each chief executive officer of a Federal penal or correctional institution provides a secure storage area located outside of the secure perimeter of the Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 613 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Section 1. Short title. Section 1 sets forth the short title of the bill as the “Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2017.”

Section 2. Findings. Section 2 articulates the Congressional findings.

Section 3. Secure Firearms Storage. Section 3 amends the federal criminal code to require the Bureau of Prisons (BOP) to allow a correctional officer at a federal prison or correctional institution to store firearms on BOP premises in a secure storage area outside the security perimeter of the institution or in a vehicle lockbox, and carry a concealed firearm on BOP premises outside the security perimeter of the institution.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

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PART III—PRISONS AND PRISONERS

* * * * *

CHAPTER 303—BUREAU OF PRISONS

Sec.

4041. Bureau of Prisons; director and employees.

* * * * *

4050. *Secure firearms storage.*

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§ 4050. *Secure firearms storage*

(a) *DEFINITIONS.—In this section—*

(1) *the term “employee” means a qualified law enforcement officer employed by the Bureau of Prisons; and*

(2) *the terms “firearm” and “qualified law enforcement officer” have the meanings given those terms under section 926B.*

(b) *SECURE FIREARMS STORAGE.—The Director of the Bureau of Prisons shall ensure that each chief executive officer of a Federal penal or correctional institution—*

(1)(A) *provides a secure storage area located outside of the secure perimeter of the institution for employees to store firearms;*
or

(B) *allows employees to store firearms in a vehicle lockbox approved by the Director of the Bureau of Prisons; and*

(2) *notwithstanding any other provision of law (including regulations), allows employees to carry concealed firearms on the premises outside of the secure perimeter of the institution.*

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