

105TH CONGRESS
1ST SESSION

S. 418

To close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 1997

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

A BILL

To close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, 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 “Lorton Correctional
5 Complex Closure Act”.

1 **SEC. 2. CLOSURE OF THE LORTON CORRECTIONAL COM-**
2 **PLEX.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, not later than 6 years after the date of the
5 enactment of this Act, all real property and improvements
6 thereon comprising the Lorton Correctional Complex as
7 of the date of the enactment of this Act (other than any
8 such property retained by the District of Columbia under
9 the Implementation Plan described in section 4) shall be
10 transferred to the Administrator of General Services for
11 disposal in accordance with the Implementation Plan de-
12 scribed in section 4.

13 (b) PROHIBITING PLACEMENT OF FUTURE DISTRICT
14 OF COLUMBIA PRISON FACILITIES IN VIRGINIA.—No pris-
15 on, penitentiary, jail, correctional institution, or related fa-
16 cility of the District of Columbia may be established in
17 the Commonwealth of Virginia after the date of the enact-
18 ment of this Act without the approval of the Governor of
19 Virginia.

20 **SEC. 3. INCARCERATION OF DISTRICT OF COLUMBIA FEL-**
21 **ONS.**

22 (a) TRANSFER TO FEDERAL CUSTODY.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, any District of Columbia felon who
25 is committed to the custody of the Attorney General
26 for a term of imprisonment on or after the date of

1 the enactment of this Act shall be incarcerated in a
2 facility designated by the Director of the Bureau of
3 Prisons, in accordance with such rules as the Attor-
4 ney General may establish to assure that the treat-
5 ment of District of Columbia felons is similar to the
6 treatment of other individuals under the control of
7 the Director of the Bureau of Prisons.

8 (2) TRANSITION RULE.—In the case of an indi-
9 vidual convicted of a felony in the Superior Court of
10 the District of Columbia who is under the custody
11 and control of the Director of the District of Colum-
12 bia Department of Corrections as of the date of the
13 enactment of this Act, the individual shall be trans-
14 ferred to the control of the Director of the Bureau
15 of Prisons not later than 5 years after the date of
16 the enactment of this Act.

17 (3) CONFORMING AMENDMENT.—Section 4042
18 of title 18, United States Code, is amended—

19 (A) by striking “and” at the end of para-
20 graph (4);

21 (B) by striking the period at the end of
22 paragraph (5) and inserting “; and”; and

23 (C) by adding at the end the following new
24 paragraph:

1 “(6) provide suitable quarters and provide for
 2 the safekeeping, care and subsistence and for the
 3 protection, instruction and discipline of all District
 4 of Columbia felons (as defined in section 3(b) of the
 5 Lorton Correctional Complex Closure Act) who are
 6 sentenced to death or committed to the custody of
 7 the Attorney General for a term of imprisonment.”.

8 (b) DISTRICT OF COLUMBIA FELON DEFINED.—The
 9 term “District of Columbia felon” means an individual
 10 convicted in the Superior Court of the District of Colum-
 11 bia of an offense punishable by death or imprisonment for
 12 a term exceeding one year (without regard to the sentence
 13 actually imposed), but does not include any individual con-
 14 victed in the Superior Court of the District of Columbia
 15 of a misdemeanor offense, as a juvenile offender, or any
 16 person detained pending trial in the Superior Court of the
 17 District of Columbia.

18 **SEC. 4. IMPLEMENTATION PLAN.**

19 (a) DESCRIPTION OF PLAN.—In accordance with the
 20 process described in subsection (b), not later than 18
 21 months after the date of the enactment of this Act, the
 22 Administrator of General Services shall submit to Con-
 23 gress an Implementation Plan for the closure of the
 24 Lorton Correctional Complex which shall identify actions
 25 with respect to each of the following:

1 (1) The future use of the land on which the
2 Complex is located, including (if appropriate) plans
3 for a regional park at the site.

4 (2) The need to address the impact of such fu-
5 ture uses on local and regional transportation re-
6 sources.

7 (3) If appropriate, the transfer of real property
8 and improvements thereon to Federal agencies (in-
9 cluding the Bureau of Prisons) for Federal use, the
10 Government of the District of Columbia, or any
11 other governmental entity.

12 (4) If appropriate, the disposal of real property
13 or improvements thereon.

14 (5) Changes in law or regulation necessary to
15 effect the purposes of this Act and the closure of the
16 Lorton Correctional Complex.

17 (6) Such other actions as considered appro-
18 priate by the Administrator to effectively implement
19 this Act.

20 (b) PROCESS FOR SUBMISSION OF FINAL IMPLEMEN-
21 TATION PLAN.—

22 (1) DEVELOPMENT AND SUBMISSION OF INI-
23 TIAL PROPOSAL BY COMMISSION.—Not later than 13
24 months after the date of the enactment of the Act,

1 the Commission shall develop and submit to the Ad-
2 ministrator a proposal for the Implementation Plan.

3 (2) REVIEW OF COMMISSION PROPOSAL.—Not
4 later than 4 months after receiving the proposal for
5 the Implementation Plan from the Commission
6 under paragraph (1), the Administrator shall submit
7 a proposal for the Plan to the Commission for com-
8 ment and review.

9 (3) COMMENTS OF COMMISSION.—During the
10 1-month period beginning on the date the Adminis-
11 trator submits the proposed final Implementation
12 Plan to the Commission under paragraph (2), the
13 Commission and each of its members may submit
14 comments on the Plan to the Administrator. Any
15 comments made by the Commission or any individ-
16 ual commissioner shall be transmitted by the Admin-
17 istrator with the final Implementation Plan under
18 paragraph (4).

19 (4) SUBMISSION OF FINAL PLAN.—Not later
20 than 18 months after the date of the enactment of
21 this Act, the Administrator shall submit to Congress
22 the final Implementation Plan for the closure of the
23 Lorton Correctional Complex.

24 (c) AUTOMATIC IMPLEMENTATION OF PLAN.—The
25 Implementation Plan submitted by the Administrator

1 under subsection (b)(4) shall take effect at the end of the
 2 60-day period beginning on the day such plan is transmit-
 3 ted to the Speaker of the House of Representatives and
 4 the President of the Senate.

5 **SEC. 5. COMMISSION ON CLOSURE OF LORTON CORREC-**
 6 **TIONAL COMPLEX.**

7 (a) ESTABLISHMENT.—There is hereby established a
 8 commission to be known as the Commission on Closure
 9 of the Lorton Correctional Complex.

10 (b) MEMBERSHIP.—

11 (1) NUMBER AND APPOINTMENT.—The Com-
 12 mission shall be composed of 11 members appointed
 13 not later than 1 month after the date of the enact-
 14 ment of this Act as follows:

15 (A) The Fairfax County Board of Super-
 16 visors shall appoint 5 members, one of which
 17 shall be specially qualified by training and expe-
 18 rience in matters relating to regional transpor-
 19 tation problems and issues.

20 (B) The Prince William County Board of
 21 Supervisors shall appoint 3 members.

22 (C) The Mayor of the District of Colum-
 23 bia, with the advice and consent of the District
 24 of Columbia City Council, shall appoint 2 mem-
 25 bers.

1 (D) The Administrator shall serve as an ex
2 officio member.

3 (2) CONTINUATION OF MEMBERSHIP.—

4 (A) GENERAL RULE.—Except as provided
5 in subparagraph (B), if a member was ap-
6 pointed to the Commission because the member
7 was an officer or employee of any government
8 or if a member is appointed to the Commission
9 and later becomes an officer or employee of a
10 government, the member may continue service
11 on the Commission for not longer than the 30-
12 day period beginning on the date the member
13 ceases to be such an officer or employee or be-
14 comes such an officer or employee, as the case
15 may be.

16 (B) EXCEPTION.—Service as a member of
17 the Commission shall not be discontinued pur-
18 suant to subparagraph (A) in the case of a
19 member who has served on the Commission for
20 not less than 3 months.

21 (3) TERMS.—Each member of the Commission
22 shall be appointed for the life of the Commission.

23 (4) VACANCIES.—Any member appointed to fill
24 a vacancy occurring before the expiration of the

1 term for which the member's predecessor was ap-
 2 pointed shall be appointed only for the remainder of
 3 that term, except that a member may serve after the
 4 expiration of that member's term until a successor
 5 has taken office. A vacancy in the Commission shall
 6 be filled in the manner in which the original appoint-
 7 ment was made.

8 (5) COMPENSATION.—No member of the Com-
 9 mission may receive additional pay, allowances, or
 10 benefits by reason of service on the Commission.

11 (6) QUORUM.—6 members of the Commission
 12 shall constitute a quorum but a lesser number may
 13 hold hearings.

14 (7) CHAIRPERSON; VICE CHAIRPERSON.—The
 15 Chairperson and Vice Chairperson of the Commis-
 16 sion shall be elected by a majority of the members
 17 of the Commission.

18 (c) DIRECTOR AND STAFF; EXPERTS AND CONSULT-
 19 ANTS.—

20 (1) DIRECTOR.—The Commission shall, without
 21 regard to section 5311(b) of title 5, United States
 22 Code, have a Director who shall be appointed by the
 23 Commission and paid at the rate of basic pay pay-
 24 able for Level III of the Executive Schedule.

1 (2) APPOINTMENT AND PAY OF STAFF.—The
2 Commission may appoint such personnel as it con-
3 siders appropriate without regard to the provisions
4 of title 5, United States Code, governing appoint-
5 ment to the competitive service. Such personnel shall
6 be paid in accordance with the provisions of chapter
7 51 and subchapter III of chapter 53 of title 5, Unit-
8 ed States Code, relating to classification and Gen-
9 eral Schedule pay rates.

10 (3) EXPERTS AND CONSULTANTS.—The Com-
11 mission may procure temporary and intermittent
12 services under section 3109(b) of title 5, United
13 States Code.

14 (4) STAFF OF FEDERAL AGENCIES.—Upon re-
15 quest of the Commission, the head of any Federal
16 department or agency may detail, on a reimbursable
17 basis, any of the personnel of that department or
18 agency to the Commission to assist it in carrying out
19 its duties.

20 (d) POWERS.—

21 (1) HEARINGS AND SESSIONS.—

22 (A) IN GENERAL.—The Commission may
23 hold hearings, sit and act at times and places,
24 take testimony, and receive evidence as the
25 Commission considers appropriate to carry out

1 its duties under this Act. The Commission may
2 administer oaths or affirmations to witnesses
3 appearing before it.

4 (B) MAXIMIZATION OF LOCAL INVOLVE-
5 MENT.—The Commission shall hold its hearings
6 in a place and manner which maximizes local
7 community involvement, input, and participa-
8 tion.

9 (2) POWERS OF MEMBERS AND AGENTS.—Any
10 member or agent of the Commission may, if author-
11 ized by the Commission, take any action which the
12 Commission is authorized to take by this section.

13 (3) INFORMATION.—The Commission may se-
14 cure directly from any department or agency of the
15 United States any information necessary to enable it
16 to carry out its duties under this Act. Upon request
17 of the Chairperson or Vice Chairperson of the Com-
18 mission, the head of that department or agency shall
19 furnish that information to the Commission to the
20 extent otherwise permitted by law.

21 (4) GIFTS AND DONATIONS.—The Commission
22 may accept, use, and dispose of gifts or donations of
23 services or property.

24 (5) MAILS.—The Commission may use the
25 United States mails in the same manner and under

1 the same conditions as other departments and agen-
 2 cies of the United States.

3 (6) ADMINISTRATIVE SUPPORT SERVICES.—The
 4 Administrator shall provide to the Commission, on a
 5 reimbursable basis, such administrative support
 6 services as the Commission may request.

7 (e) TERMINATION.—The Commission shall terminate
 8 30 days after submitting its final comments pursuant to
 9 section 4(b)(3).

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 11 authorized to be appropriated to the Commission for car-
 12 rying out its duties under this Act an amount not to ex-
 13 ceed \$200,000.

14 **SEC. 6. DEFINITIONS.**

15 In this Act:

16 (1) ADMINISTRATOR.—The term “Adminis-
 17 trator” means the Administrator of General Services
 18 or the Administrator’s designated representative.

19 (2) COMMISSION.—The term “Commission”
 20 means the Commission on Closure of the Lorton
 21 Correctional Complex established under section 5(a).

22 (3) LORTON CORRECTIONAL COMPLEX.—The
 23 term “Lorton Correctional Complex” means any
 24 District of Columbia correctional, reformatory, or re-
 25 lated facility which is located in the Commonwealth

1 of Virginia and which is operated under the author-
2 ity, control, supervision or management of the Dis-
3 trict of Columbia Department of Corrections, the
4 Mayor of the District of Columbia, or any other
5 agency or official of the District of Columbia.

6 (4) IMPLEMENTATION PLAN.—The term “Im-
7 plementation Plan” means the Implementation Plan
8 described in section 4.

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