

116TH CONGRESS
1ST SESSION

S. 2742

To require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2019

Mr. McCONNELL (for himself, Mr. LEE, Ms. SINEMA, and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate.

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 Prisons Ac-
5 countability Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Director of the Bureau of Prisons leads
9 a law enforcement component of the Department of

1 Justice with a budget that exceeds \$7,000,000,000
2 for fiscal year 2018.

3 (2) With the exception of the Federal Bureau
4 of Investigation, the Bureau of Prisons has the larg-
5 est operating budget of any unit within the Depart-
6 ment of Justice.

7 (3) The Director of the Bureau of Prisons over-
8 sees 122 facilities and is responsible for the welfare
9 of more than 176,000 Federal inmates.

10 (4) The Director of the Bureau of Prisons su-
11 pervises more than 36,000 employees, many of
12 whom operate in hazardous environments that in-
13 volve regular interaction with violent offenders.

14 (5) Within the Department of Justice, in addi-
15 tion to those officials who oversee litigating compo-
16 nents, the Director of the Bureau of Alcohol, To-
17 bacco, Firearms and Explosives, the Director of the
18 Community Relations Service, the Director of the
19 Federal Bureau of Investigation, the Director of the
20 Office on Violence Against Women, the Adminis-
21 trator of the Drug Enforcement Administration, the
22 Deputy Administrator of the Drug Enforcement Ad-
23 ministration, the Director of the United States Mar-
24 shals Service, 94 United States Marshals, the In-
25 spector General of the Department of Justice, and

1 the Special Counsel for Immigration Related Unfair
2 Employment Practices, are all appointed by the
3 President by and with the advice and consent of the
4 Senate.

5 (6) Despite the significant budget of the Bu-
6 reau of Prisons and the vast number of people under
7 the responsibility of the Director of the Bureau of
8 Prisons, the Director is not appointed by and with
9 the advice and consent of the Senate.

10 **SEC. 3. DIRECTOR OF THE BUREAU OF PRISONS.**

11 (a) IN GENERAL.—Section 4041 of title 18, United
12 States Code, is amended by striking “appointed by and
13 serving directly under the Attorney General.” and insert-
14 ing the following: “who shall be appointed by the Presi-
15 dent, by and with the advice and consent of the Senate.
16 The Director shall serve directly under the Attorney Gen-
17 eral.”.

18 (b) INCUMBENT.—Notwithstanding the amendment
19 made by subsection (a), the individual serving as the Di-
20 rector of the Bureau of Prisons on the date of enactment
21 of this Act may serve as the Director of the Bureau of
22 Prisons until the date that is 3 months after the date of
23 enactment of this Act.

24 (c) RULE OF CONSTRUCTION.—Nothing in this Act
25 shall be construed to limit the ability of the President to

1 appoint the individual serving as the Director of the Bu-
2 reau of Prisons on the date of enactment of this Act to
3 the position of the Director of the Bureau of Prisons in
4 accordance with section 4041 of title 18, United States
5 Code, as amended by subsection (a).

6 (d) TERM.—

7 (1) IN GENERAL.—Section 4041 of title 18,
8 United States Code, as amended by subsection (a),
9 is amended by inserting after “consent of the Sen-
10 ate.” the following: “The Director shall be appointed
11 for a term of 10 years, except that an individual ap-
12 pointed to the position of Director may continue to
13 serve in that position until another individual is ap-
14 pointed to that position, by and with the advice and
15 consent of the Senate. An individual may not serve
16 more than 1 term as Director.”.

17 (2) APPLICABILITY.—The amendment made by
18 paragraph (1) shall apply to appointments made on
19 or after the date of enactment of this Act.

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