

114TH CONGRESS
2D SESSION

H. R. 5042

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2016

Mr. WALBERG (for himself and Mrs. DINGELL) introduced the following bill; which was 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 2016”.

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 \$6,900,000,000
2 for fiscal year 2015.

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 208,000 Federal inmates.

10 (4) The Director of the Bureau of Prisons su-
11 pervises more than 39,000 employees, many of
12 whom operate in hazardous environments that in-
13 volve regular interaction with violent offenders.

14 (5) The Director of the Bureau of Prisons also
15 serves as the chief operating officer for Federal Pris-
16 ons Industries, a wholly owned Government enter-
17 prise of 78 prison factories that directly competes
18 against the private sector, including small busi-
19 nesses, for Government contracts.

20 (6) Within the Department of Justice, in addi-
21 tion to those officials who oversee litigating compo-
22 nents, the Director of the Bureau of Alcohol, To-
23 bacco, Firearms and Explosives, the Director of the
24 Bureau of Justice Assistance, the Director of the
25 Bureau of Justice Statistics, the Director of the

1 Community Relations Service, the Director of the
2 Federal Bureau of Investigation, the Director of the
3 National Institute of Justice, the Director of the Of-
4 fice for Victims of Crime, the Director of the Office
5 on Violence Against Women, the Administrator of
6 the Drug Enforcement Administration, the Deputy
7 Administrator of the Drug Enforcement Administra-
8 tion, the Administrator of the Office of Juvenile
9 Justice and Delinquency Prevention, the Director of
10 the United States Marshals Service, 94 United
11 States Marshals, the Inspector General of the De-
12 partment of Justice, and the Special Counsel for Im-
13 migration Related Unfair Employment Practices, are
14 all appointed by the President by and with the ad-
15 vice and consent of the Senate.

16 (7) Despite the significant budget of the Bu-
17 reau of Prisons and the vast number of people under
18 the responsibility of the Director of the Bureau of
19 Prisons, the Director is not appointed by and with
20 the advice and consent of the Senate.

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

22 (a) IN GENERAL.—Section 4041 of title 18, United
23 States Code, is amended by striking “appointed by and
24 serving directly under the Attorney General.” and insert-
25 ing the following: “who shall be appointed by the Presi-

1 dent by and with the advice and consent of the Senate.
2 The Director shall serve directly under the Attorney Gen-
3 eral.”.

4 (b) INCUMBENT.—Notwithstanding the amendment
5 made by subsection (a), the individual serving as the Di-
6 rector of the Bureau of Prisons on the date of enactment
7 of this Act may serve as the Director of the Bureau of
8 Prisons until the date that is 3 months after the date of
9 enactment of this Act.

10 (c) RULE OF CONSTRUCTION.—Nothing in this Act
11 shall be construed to limit the ability of the President to
12 appoint the individual serving as the Director of the Bu-
13 reau of Prisons on the date of enactment of this Act to
14 the position of the Director of the Bureau of Prisons in
15 accordance with section 4041 of title 18, United States
16 Code, as amended by subsection (a).

17 (d) TERM.—

18 (1) IN GENERAL.—Section 4041 of title 18,
19 United States Code, as amended by subsection (a),
20 is amended by inserting after “consent of the Sen-
21 ate.” the following: “The Director shall be appointed
22 for a term of 10 years, except that an individual ap-
23 pointed to the position of Director may continue to
24 serve in that position until another individual is ap-
25 pointed to that position, by and with the advice and

1 consent of the Senate. An individual may not serve
2 more than 1 term as Director.”.

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

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