

118TH CONGRESS
1ST SESSION

H. R. 5279

To require the Bureau of Prisons to submit to Congress an annual summary report of disaster damage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2023

Mr. LIEU (for himself, Ms. MACE, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Bureau of Prisons to submit to Congress an annual summary report of disaster damage, 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 “Correctional Facility
5 Disaster Preparedness Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the term “major disaster” means—

8 (1) a major disaster declared by the President
9 under section 401 of the Robert T. Stafford Disaster

1 Relief and Emergency Assistance Act (42 U.S.C.
2 5170); or

3 (2) any natural disaster or extreme weather or
4 public health emergency event that—

5 (A) causes physical damage to the facility
6 or disrupts services under paragraph (2), (4),
7 (5), or (6) of section 3(a); and

8 (B) the Bureau of Prisons determines is a
9 major disaster.

10 **SEC. 3. BUREAU OF PRISONS ANNUAL SUMMARY REPORT**
11 **OF DISASTER DAMAGE.**

12 (a) IN GENERAL.—The Director of the Bureau of
13 Prisons shall submit to the Committee on Appropriations,
14 the Committee on the Judiciary, and the Committee on
15 Homeland Security and Governmental Affairs of the Sen-
16 ate and the Committee on Appropriations, the Committee
17 on the Judiciary, the Committee on Homeland Security
18 of the House of Representatives, the Government Account-
19 ability Office, and the Office of the Inspector General of
20 the Department of Justice an annual summary report of
21 disaster damage on the scope of physical damage from a
22 major disaster by each Bureau of Prisons facility and its
23 contract prisons impacted or struck by a major disaster
24 that explains the effects of the damage on inmates and
25 staff, including—

1 (1) data on injury and loss of life of inmates
2 and staff;

3 (2) access to health and medical care, food, spe-
4 cial dietary needs, drinkable water, personal protec-
5 tive equipment, and personal hygiene products;

6 (3) guidance used to adjudicate early release or
7 home confinement requests, data on early release or
8 home confinement approvals, denials, and justifica-
9 tion for denials;

10 (4) an explanation as to whether using home
11 confinement or early release was considered;

12 (5) access to cost-free and uninterrupted visita-
13 tion with legal counsel and visitors with justifica-
14 tions for facility decisions that resulted in suspended
15 or altered visitations;

16 (6) access to appropriate accommodations for
17 inmates with disabilities;

18 (7) access to educational and work programs;

19 (8) inmate grievances;

20 (9) assessment of the cost of the damage to the
21 facility and estimates for repairs;

22 (10) the impact on staffing, equipment, and fi-
23 nancial resources; and

24 (11) other factors relating to the ability of the
25 Bureau of Prisons and any existing contract prison

1 to uphold the health, safety, and civil rights of the
2 correctional population.

3 (b) CORRECTIVE ACTION PLAN.—The report re-
4 quired under subsection (a) shall include agency corrective
5 actions that the Bureau of Prisons will take to improve
6 and modernize emergency preparedness plans, as they re-
7 late to natural disasters, extreme weather, and public
8 health emergencies and a timeline to implement the cor-
9 rective action plan.

10 (c) RECOMMENDATIONS.—The report required under
11 subsection (a) shall include specific legislative rec-
12 ommendations to Congress for improving emergency pre-
13 paredness plans within the Bureau of Prisons.

14 (d) APPOINTMENT.—Not later than 90 days after the
15 enactment of this Act, the Director of the Bureau of Pris-
16 ons shall appoint an official of the Bureau of Prisons re-
17 sponsible for carrying out the corrective action plan.

18 **SEC. 4. NATIONAL INSTITUTE OF CORRECTIONS.**

19 Section 4351 of title 18, United States Code, is
20 amended—

21 (1) in subsection (c)—

22 (A) in the matter preceding paragraph (1),
23 by striking “ten” and inserting “14”; and

24 (B) by adding at the end the following:

1 “(3) One shall have served a sentence in either
2 a Federal or State correctional facility or have a
3 professional background advocating on the behalf of
4 formerly incarcerated or incarcerated individuals.

5 “(4) One shall have a background as an emer-
6 gency response coordinator that has created an
7 emergency management accreditation program.

8 “(5) One shall have an educational and profes-
9 sional background in public health working with
10 communicable diseases.

11 “(6) One shall represent the labor union that
12 represents Bureau of Prisons employees.”; and

13 (2) by adding at the end the following:

14 “(i) FIELD HEARING.—Not later than 1 year after
15 the date of enactment of this subsection, the National In-
16 stitute of Corrections shall conduct at least one public field
17 hearing on how correctional facilities can incorporate in
18 their emergency preparedness plans and recovery efforts—

19 “(1) inmate access to medical care, food, drink-
20 able water, personal protective equipment, and per-
21 sonal hygiene products;

22 “(2) consideration by staff of using home con-
23 finement or early release;

24 “(3) inmate access to cost-free and uninter-
25 rupted visitation with legal counsel and visitors with

1 clear standards for when facilities may suspend or
2 alter visitations;

3 “(4) inmate access to appropriate accommoda-
4 tions for inmates with disabilities;

5 “(5) use of Federal funding to restore disaster-
6 damaged correctional facilities; and

7 “(6) incorporation by staff of risk management
8 best practices, such as those made available under
9 the relevant agencies of the Federal Emergency
10 Management Administration, Department of Health
11 and Human Services, and the Government Account-
12 ability Office to enhance emergency preparedness
13 plans.”.

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