

117TH CONGRESS
1ST SESSION

S. 2592

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

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2021

Ms. DUCKWORTH (for herself and Mr. BOOKER) introduced the following bill; which was read twice and 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 2021”.

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) would activate the use of any Bureau
6 of Prisons 18 contingency plans; and

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

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

11 (a) IN GENERAL.—The Bureau of Prisons shall sub-
12 mit to the Committee on Appropriations, the Committee
13 on the Judiciary, and the Committee on Homeland Secu-
14 rity and Governmental Affairs of the Senate and the Com-
15 mittee on Appropriations, the Committee on the Judiciary,
16 and the Committee on Homeland Security of the House
17 of Representatives an annual summary report of disaster
18 damage on the scope of physical damage from a major
19 disaster by each Bureau of Prisons facility and its con-
20 tract prisons impacted or struck by a major disaster that
21 explains the effects of the damage on inmates and staff,
22 including—

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

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

4 (3) guidance used to adjudicate early release or
5 home confinement requests, data on early release or
6 home confinement approvals, denials, and justifica-
7 tion for denials; explanation as to whether using
8 home confinement or early release was considered;

9 (4) access to cost-free and uninterrupted visita-
10 tion with legal counsel and visitors with justifica-
11 tions for facility decisions that resulted in suspended
12 or altered visitations;

13 (5) access to appropriate accommodations for
14 inmates with disabilities;

15 (6) access to educational and work programs;

16 (7) inmate grievances;

17 (8) assessment of the cost of the damage to the
18 facility and estimates for repairs;

19 (9) the impact on staffing, equipment, and fi-
20 nancial resources; and

21 (10) other factors relating to the ability of the
22 Bureau of Prisons and any existing contract prison
23 to uphold the health, safety, and civil rights of the
24 correctional population.

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

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

12 (d) APPOINTMENT.—No later than 90 days after the
 13 enactment of this Act, the Director of the Bureau of Pris-
 14 ons shall appoint an official of the Bureau of Prisons re-
 15 sponsible for carrying out the corrective action plan.

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

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

19 (1) in subsection (c)—

20 (A) in the matter preceding paragraph (1),
 21 by striking “ten” and inserting “13”; and

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

23 “(3) One shall have served a sentence in either
 24 a Federal or State correctional facility or have a

1 professional background advocating on the behalf of
2 formerly incarcerated or incarcerated individuals.

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

6 “(5) One shall have an educational and profes-
7 sional background in public health working with
8 communicable diseases.”; and

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

10 “(2) FIELD HEARING.—Not later than 1 year
11 after the date of enactment of this subsection, the
12 National Institute of Corrections shall conduct at
13 least one public field hearing on how correctional fa-
14 cilities can incorporate in their emergency prepared-
15 ness plans and recovery efforts—

16 “(A) inmate access to medical care, food,
17 drinkable water, personal protective equipment,
18 and personal hygiene products;

19 “(B) consideration by staff of using home
20 confinement or early release;

21 “(C) inmate access to cost-free and unin-
22 terrupted visitation with legal counsel and visi-
23 tors with clear standards for when facilities
24 may suspend or alter visitations;

1 “(D) inmate access to appropriate accom-
2 modations for inmates with disabilities;

3 “(E) use of Federal funding to restore dis-
4 aster-damaged correctional facilities; and

5 “(F) incorporation by staff of risk manage-
6 ment best practices, such as those made avail-
7 able under the relevant agencies of the Federal
8 Emergency Management Administration, De-
9 partment of Health and Human Services, and
10 the Government Accountability Office to en-
11 hance emergency preparedness plans.”.

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