

117TH CONGRESS
2D SESSION

H. R. 9296

To direct the Director of the Bureau of Prisons to conduct a comprehensive review of understaffing across the Bureau, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2022

Ms. SPEIER (for herself, Ms. CHU, Ms. BASS, Mr. CARBAJAL, Mr. OBERNOLTE, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To direct the Director of the Bureau of Prisons to conduct a comprehensive review of understaffing across the Bureau, 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 “Prison Staffing Re-
5 form Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Bureau of Prisons has 121 institutions
9 located throughout the United States and employs

1 nearly 35,000 employees. Understaffing across the
2 agency jeopardizes the health, safety, and well-being
3 of staff and inmates alike.

4 (2) Understaffing at Bureau of Prison institu-
5 tions poses a threat to inmates, who will con-
6 sequently lack access to lifesaving medical care, effi-
7 cient review of their casework, sanitary living condi-
8 tions, access to vital recidivism reduction program-
9 ming, and protections against abuse or sexual mis-
10 conduct.

11 (3) Understaffing at Bureau of Prison institu-
12 tions will also result in reduced staff safety, esca-
13 lated workplace abuse, stressful work conditions, en-
14 hanced mental and physical health concerns, and un-
15 acceptably long work shifts for employees.

16 (4) Mandated overtime, misuse of augmentation
17 or reassignment, and overworked employees will re-
18 duce prison security and threaten public safety.

19 **SEC. 3. COMPREHENSIVE REVIEW OF UNDERSTAFFING**
20 **ACROSS BUREAU OF PRISONS.**

21 (a) REVIEW.—Not later than 180 days after the date
22 of the enactment of this Act, the Director of the Bureau
23 of Prisons shall—

24 (1) complete a thorough external review, in ac-
25 cordance with subsection (b), of staffing across the

1 Bureau of Prisons, as well as the impact of any
2 understaffing on employees, individuals in the cus-
3 tody of the Bureau of Prisons, and overall agency
4 spending; and

5 (2) submit to the Committee on the Judiciary
6 of the House of Representatives, the Committee on
7 the Judiciary of the Senate, and the Council of Pris-
8 on Locals C-33 within the American Federation of
9 Government Employees Organization—

10 (A) a plan for recruiting job applicants,
11 filling vacancies, reducing mandated overtime
12 and misuse of augmentation, and strengthening
13 staffing across the Bureau of Prisons; and

14 (B) a guideline for staffing requirements
15 including—

16 (i) the number of correctional officers
17 needed per individual in the custody of the
18 Bureau of Prisons for each housing unit,
19 building, or location where individuals in
20 the custody of the Bureau of Prisons are
21 located; and

22 (ii) the number of employees, includ-
23 ing teachers, counselors, case managers,
24 and medical staff, needed per individual in
25 the custody of the Bureau of Prisons for

1 non-correctional departments,
2 disaggregated by the three primary shifts,
3 security levels, and any special mission
4 within the Bureau of Prisons.

5 (b) REQUIREMENTS OF REVIEW.—The external re-
6 view completed under subsection (a)(1) shall be conducted
7 by a non-Bureau of Prisons organization, in consultation
8 with—

9 (1) the Council of Prison Locals C-33 within
10 the American Federation of Government Employees
11 Organization;

12 (2) civil rights organizations; and

13 (3) organizations focused on reducing recidi-
14 vism through educational, mental health, and sub-
15 stance use disorder programming.

16 (c) CONTENTS.—The review required under sub-
17 section (a) shall—

18 (1) identify and address the effects of under-
19 staffing on—

20 (A) the length of time during which indi-
21 viduals in the custody of the Bureau of Prisons
22 are placed on waiting lists to receive care or
23 programming;

24 (B) the availability of medical care for in-
25 dividuals in the custody of the Bureau of Pris-

1 ons, including substance use disorder treatment
2 programs, mental health programs, and mater-
3 nal health programs;

4 (C) the processing of an individual in the
5 custody of the Bureau of Prisons application
6 for compassionate release, home confinement,
7 and time credits established under title I of the
8 First Step Act of 2018 (18 U.S.C. 3631 et
9 seq.);

10 (D) the availability of teachers, therapists,
11 and other support staff for evidence-based re-
12 cidivism reduction programs and productive ac-
13 tivities (as such terms are defined in section
14 3635 of title 18, United States Code);

15 (E) adequate protections for staff and indi-
16 viduals in the custody of the Bureau of Prisons
17 against violence, neglect, and sexual mis-
18 conduct;

19 (F) the availability of sanitary and effi-
20 cient food services;

21 (G) prison security, including the detection
22 of contraband;

23 (H) the efficient installation of security
24 cameras and plans to remedy deficits in secu-
25 rity camera systems;

1 (I) the conversion of existing analog radio
2 systems to digital radios equipped with the
3 man-down feature;

4 (J) stressful work environments, mandated
5 overtime, augmentation, and other workplace
6 conditions that may jeopardize employees' men-
7 tal and physical health; and

8 (K) additional costs incurred by the Bu-
9 reau of Prisons, including costs associated with
10 augmentation and overtime;

11 (2) include an independent review, conducted by
12 the National Academy of Medicine, a nonprofit orga-
13 nization, or other type of organization determined by
14 the Director to be capable of conducting such review,
15 of the adequacy and quality of medical care available
16 to individuals in the custody of the Bureau of Pris-
17 ons;

18 (3) include a comparison of the various meth-
19 odologies used by the Bureau of Prisons to assess
20 staffing levels, as well as any possible misalignments
21 and inconsistencies in terminology between these
22 methodologies; and

23 (4) include a 3-year strategic plan and cost pro-
24 jection for filling existing vacancies and maintaining
25 staffing across the Bureau of Prisons.

1 (d) IMPLEMENTATION DEADLINE.—Not later than 3
2 years after the date on which the plan is submitted under
3 subsection (a)(2), and subject to appropriations, the Di-
4 rector of the Bureau of Prisons shall complete implemen-
5 tation of the submitted plan.

6 (e) ANNUAL PROGRESS REPORTS.—Beginning 1 year
7 after the date on which the plan is submitted under sub-
8 section (a)(2), and each year thereafter until the end of
9 the 3-year period described in subsection (c), the Director
10 of the Bureau of Prisons shall submit to the Committee
11 on the Judiciary of the House of Representatives, the
12 Committee on the Judiciary of the Senate, and the Council
13 of Prison Locals C–33 within the American Federation of
14 Government Employees Organization a report on the
15 progress of the implementation of the plan submitted
16 under subsection (a)(2).

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