

116TH CONGRESS
2D SESSION

S. 4748

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

SEPTEMBER 29, 2020

Ms. DUCKWORTH 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 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the term “major disaster” means a major
8 disaster declared by the President under section 401 of
9 the Robert T. Stafford Disaster Relief and Emergency As-
10 sistance Act (42 U.S.C. 5170).

1 **SEC. 3. BUREAU OF PRISONS ANNUAL SUMMARY REPORT**
2 **OF DISASTER DAMAGE.**

3 (a) IN GENERAL.—The Bureau of Prisons shall sub-
4 mit to the Committee on Appropriations, the Committee
5 on the Judiciary, and the Committee on Homeland Secu-
6 rity and Governmental Affairs of the Senate and the Com-
7 mittee on Appropriations, the Committee on the Judiciary,
8 and the Committee on Homeland Security of the House
9 of Representatives an annual summary report of disaster
10 damage on the scope of physical damage from a major
11 disaster on each Bureau of Prisons facility and its con-
12 tract prisons impacted or struck by a major disaster that
13 explains the effects of the damage on inmates, including—

14 (1) the ability of the Bureau of Prisons and its
15 contract prisons to uphold the health, safety, and
16 civil rights of the correctional population;

17 (2) access to medical care, food, drinkable
18 water, personal protective equipment, and personal
19 hygiene products;

20 (3) whether using home confinement or early
21 release was considered;

22 (4) access to uninterrupted visitation with legal
23 counsel and visitors;

24 (5) access to appropriate accommodations for
25 inmates with disabilities;

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

3 (7) the impact on staffing, equipment, and fi-
4 nancial resources to carry out facility-specific emer-
5 gency preparedness plans.

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

12 (c) RECOMMENDATIONS.—The report required under
13 subsection (a) shall include specific legislative recommen-
14 dations to Congress for improving emergency prepared-
15 ness plans within the Bureau of Prisons.

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 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 “(i) REPORT.—

11 “(1) DEFINITION.—In this subsection, the term
 12 ‘major disaster’ means a major disaster declared by
 13 the President under section 401 of the Robert T.
 14 Stafford Disaster Relief and Emergency Assistance
 15 Act (42 U.S.C. 5170).

16 “(2) REPORT.—Not later than 2 years after the
 17 date of enactment of this subsection, the Board shall
 18 publish a report that includes—

19 “(A) an examination of how selected States
 20 and territories are operating and improving
 21 emergency and evacuation procedures at correc-
 22 tional facilities during a major disaster, includ-
 23 ing—

24 “(i) the extent of eliminating barriers
 25 to medical care, food, drinkable water, per-

1 sonal protective equipment, and personal
2 hygiene products;

3 “(ii) the extent of using home confine-
4 ment or early release;

5 “(iii) the extent of continuing uninter-
6 rupted access between inmates and their
7 legal counsel and visitors;

8 “(iv) the extent to which correctional
9 facilities provide appropriate accommoda-
10 tions for inmates with disabilities;

11 “(v) the extent to which governments
12 use Federal funding to restore State, local,
13 and territorial correctional facilities dam-
14 aged; and

15 “(vi) the extent to which correctional
16 institutions incorporate risk management
17 best practices and relevant standards for
18 emergency preparedness; and

19 “(B) recommendations for congressional
20 action to enhance Federal, State, and local co-
21 operation to build local resiliency and imple-
22 ment emergency preparedness plans and recov-
23 ery efforts.

24 “(3) TECHNICAL ASSISTANCE.—Not later than
25 2 years after the date of enactment of this sub-

1 section, the Board shall update technical assistance,
2 training programs, seminars, and workshops to in-
3 clude how correctional facilities can incorporate in
4 their emergency preparedness plans and recovery ef-
5 forts—

6 “(A) inmate access to medical care, food,
7 drinkable water, personal protective equipment,
8 and personal hygiene products;

9 “(B) consideration by staff of using home
10 confinement or early release;

11 “(C) inmate access to uninterrupted visita-
12 tion with legal counsel and visitors;

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

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

17 “(F) incorporation by staff of risk manage-
18 ment best practices to enhance emergency pre-
19 paredness plans.”.

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