

118TH CONGRESS  
1ST SESSION

# H. R. 4138

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2023

Mr. THOMPSON of Pennsylvania (for himself and Mr. TRONE) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 2023”.

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 exceeded \$7,000,000,000  
2 for fiscal year 2018.

3 (2) With the exception of the Federal Bureau  
4 of Investigation, the Bureau of Prisons had the larg-  
5 est operating budget of any unit within the Depart-  
6 ment of Justice for fiscal year 2018.

7 (3) As of 2019, the Director of the Bureau of  
8 Prisons oversaw 122 facilities and was responsible  
9 for the welfare of more than 176,000 Federal in-  
10 mates.

11 (4) As of 2019, the Director of the Bureau of  
12 Prisons supervised more than 36,000 employees,  
13 many of whom operate in hazardous environments  
14 that involve regular interaction with violent offend-  
15 ers.

16 (5) Within the Department of Justice, in addi-  
17 tion to those officials who oversee litigating compo-  
18 nents, the Director of the Bureau of Alcohol, To-  
19 bacco, Firearms and Explosives, the Director of the  
20 Community Relations Service, the Director of the  
21 Federal Bureau of Investigation, the Director of the  
22 Office on Violence Against Women, the Adminis-  
23 trator of the Drug Enforcement Administration, the  
24 Deputy Administrator of the Drug Enforcement Ad-  
25 ministration, the Director of the United States Mar-

1 shals Service, 94 United States Marshals, the In-  
2 spector General of the Department of Justice, and  
3 the Special Counsel for Immigration Related Unfair  
4 Employment Practices, are all appointed by the  
5 President by and with the advice and consent of the  
6 Senate.

7 (6) Despite the significant budget of the Bu-  
8 reau of Prisons and the vast number of people under  
9 the responsibility of the Director of the Bureau of  
10 Prisons, the Director is not appointed by and with  
11 the advice and consent of the Senate.

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

13 (a) IN GENERAL.—Section 4041 of title 18, United  
14 States Code, is amended by striking “appointed by and  
15 serving directly under the Attorney General.” and insert-  
16 ing the following: “who shall be appointed by the Presi-  
17 dent, by and with the advice and consent of the Senate.  
18 The Director shall serve directly under the Attorney Gen-  
19 eral.”.

20 (b) INCUMBENT.—Notwithstanding the amendment  
21 made by subsection (a), the individual serving as the Di-  
22 rector of the Bureau of Prisons on the date of enactment  
23 of this Act may serve as the Director of the Bureau of  
24 Prisons until the date that is 3 months after the date of  
25 enactment of this Act.

1       (c) RULE OF CONSTRUCTION.—Nothing in this Act  
2 shall be construed to limit the ability of the President to  
3 appoint the individual serving as the Director of the Bu-  
4 reau of Prisons on the date of enactment of this Act to  
5 the position of Director of the Bureau of Prisons in ac-  
6 cordance with section 4041 of title 18, United States  
7 Code, as amended by subsection (a).

8       (d) TERM.—

9           (1) IN GENERAL.—Section 4041 of title 18,  
10 United States Code, as amended by subsection (a),  
11 is amended by inserting after “consent of the Sen-  
12 ate.” the following: “The Director shall be appointed  
13 for a term of 10 years, except that an individual ap-  
14 pointed to the position of Director may continue to  
15 serve in that position until another individual is ap-  
16 pointed to that position, by and with the advice and  
17 consent of the Senate. An individual may not serve  
18 more than 1 term as Director.”.

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

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