

118TH CONGRESS
2^D SESSION

H. R. 3019

AN ACT

To establish an inspections regime for the Bureau of Prisons,
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Prison Over-
3 sight Act”.

4 **SEC. 2. CREATION OF AN INSPECTIONS REGIME FOR THE**
5 **BUREAU OF PRISONS.**

6 (a) IN GENERAL.—Section 413 of title 5, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(e) INSPECTIONS REGIME.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) APPROPRIATE CONGRESSIONAL COM-
12 MITTEES.—The term ‘appropriate congressional
13 committees’ means—

14 “(i) the Committee on the Judiciary
15 and the Committee on Homeland Security
16 and Governmental Affairs of the Senate;
17 and

18 “(ii) the Committee on the Judiciary
19 and the Committee on Oversight and Ac-
20 countability of the House of Representa-
21 tives.

22 “(B) BUREAU.—The term ‘Bureau’ means
23 the Bureau of Prisons.

24 “(C) COVERED FACILITY.—The term ‘cov-
25 ered facility’—

1 “(i) means a correctional facility oper-
2 ated by the Bureau; and

3 “(ii) does not include a post-incarcer-
4 ation residential re-entry center.

5 “(D) FAMILY ADVOCATE.—The term ‘fam-
6 ily advocate’ includes—

7 “(i) a grandparent, parent, sibling,
8 spouse or domestic partner, child, aunt,
9 uncle, cousin, niece, nephew, grandchild, or
10 any other person related to an individual
11 by blood, adoption, marriage, civil union, a
12 romantic or fostering relationship; or

13 “(ii) a friend of—

14 “(I) the incarcerated person; or

15 “(II) the family of the incarcer-
16 ated person.

17 “(E) INSPECTOR GENERAL.—The term
18 ‘Inspector General’ means the Inspector Gen-
19 eral of the Department of Justice.

20 “(F) OMBUDSMAN.—The term ‘Ombuds-
21 man’ means the Ombudsman established under
22 paragraph (3)(A).

23 “(G) REPRESENTATIVE OF AN INCARCER-
24 ATED PERSON.—The term ‘representative of an
25 incarcerated person’ includes paid or unpaid

1 legal counsel or any other person or entity cho-
2 sen by an incarcerated person to represent the
3 interests of the incarcerated person.

4 “(H) SEXUAL ABUSE.—The term ‘sexual
5 abuse’ has the meaning given that term in sec-
6 tion 115.6 of title 28, Code of Federal Regula-
7 tions (or any successor thereto).

8 “(I) STAFF.—The term ‘staff’ means em-
9 ployees and contractors of the Bureau.

10 “(2) INSPECTIONS OF COVERED FACILITIES BY
11 THE INSPECTOR GENERAL.—

12 “(A) ESTABLISHMENT OF INSPECTIONS
13 REGIME.—

14 “(i) IN GENERAL.—The Inspector
15 General shall conduct periodic inspections
16 of covered facilities pursuant to the re-
17 quirements of this subsection.

18 “(ii) ACCESS TO COVERED FACILI-
19 TIES.—The Attorney General shall ensure
20 that the Inspector General has access to—

21 “(I) any covered facility (includ-
22 ing the incarcerated people, detainees,
23 staff, bargaining unit representative
24 organization) in accordance with para-
25 graph (4); and

1 “(II) any other information that
2 the Inspector General determines is
3 necessary to carry out the provisions
4 of this subsection.

5 “(iii) NOTICE OF INSPECTIONS.—An
6 inspection of a covered facility under this
7 subsection may be announced or unan-
8 nounced.

9 “(iv) COMMUNITY INPUT.—In devel-
10 oping the inspections regime under this
11 subsection, the Inspector General is en-
12 couraged to consult formerly incarcerated
13 people, family or representatives of incar-
14 cerated people, and community advocates.

15 “(B) INSPECTION CRITERIA.—An inspec-
16 tion of a covered facility under this subsection
17 may include an assessment of the following:

18 “(i) The policies, procedures, and ad-
19 ministrative guidance of the facility.

20 “(ii) The conditions of confinement.

21 “(iii) Working conditions for staff.

22 “(iv) The availability of evidence-
23 based recidivism reduction programs and
24 productive activities, as such terms are de-
25 fined in section 3635 of title 18, and the

1 application of earned time credits pursuant
2 to section 3632 of title 18.

3 “(v) The policies and procedures re-
4 lating to visitation.

5 “(vi) The policies and practices relat-
6 ing to classification and housing.

7 “(vii) The policies and practices relat-
8 ing to the use of single-cell confinement,
9 administrative segregation, and other
10 forms of restrictive housing.

11 “(viii) The medical facilities and med-
12 ical and mental health care, programs, pro-
13 cedures, and policies, including the number
14 and qualifications of medical and mental
15 health staff and the availability of sex-spe-
16 cific and trauma-responsive care for incar-
17 cerated people.

18 “(ix) Medical services and mental
19 health resources for staff.

20 “(x) Lockdowns at the facility.

21 “(xi) Credible allegations of incidents
22 involving excessive use of force, completed,
23 attempted, or threatened violence, includ-
24 ing sexual abuse, or misconduct committed
25 against incarcerated people.

1 “(xii) Credible allegations of incidents
2 involving completed, attempted, or threat-
3 ened violence, including sexual violence or
4 sexual abuse, committed against staff.

5 “(xiii) Adequacy of staffing at the
6 covered facility, including the number and
7 job assignments of staff, the ratio of staff
8 to inmates at the facility, the staff position
9 vacancy rate at the facility, and the use of
10 overtime, mandatory overtime, and aug-
11 mentation.

12 “(xiv) Deaths or serious injuries of in-
13 carcerated people or staff that occurred at
14 the facility.

15 “(xv) The existence of contraband
16 that jeopardizes the health or safety of in-
17 carcerated people or staff, including inci-
18 dent reports, referrals for criminal pros-
19 ecution, and confirmed prosecutions.

20 “(xvi) Access of incarcerated people
21 to—

22 “(I) legal counsel, including con-
23 fidential meetings and communica-
24 tions;

1 “(II) discovery and other case-re-
2 lated legal materials; and

3 “(III) the law library at the cov-
4 ered facility.

5 “(xvii) Any aspect of the operation of
6 the covered facility that the Inspector Gen-
7 eral determines to be necessary over the
8 course of an inspection.

9 “(C) INSPECTION SCHEDULE.—An inspec-
10 tion of a covered facility under this subsection
11 shall be conducted on a schedule based on the
12 combined risk score of the covered facility as
13 described in subparagraph (E) and the fol-
14 lowing considerations:

15 “(i) Higher risk facilities shall receive
16 more frequent inspections.

17 “(ii) The Inspector General shall re-
18 evaluate the combined risk score method-
19 ology and inspection schedule periodically
20 and may alter 1 or both to ensure that
21 higher risk facilities are identified and re-
22 ceiving the appropriate frequency of in-
23 spection.

24 “(iii) A determination by the Inspec-
25 tor General that 1 or more of the criteria

1 listed in subparagraph (B) should be in-
2 spected, with regard to a covered facility or
3 group of covered facilities.

4 “(D) REPORT.—

5 “(i) IN GENERAL.—Not later than 6
6 months after the completion of an inspec-
7 tion of a covered facility under this sub-
8 section, or a group of inspections that as-
9 sess the same or similar issues at more
10 than 1 facility, the Inspector General shall
11 submit a final copy of the report to the At-
12 torney General, the appropriate congress-
13 sional committees, employee representative
14 organizations, and the public, that address-
15 es 1 or more of the following topics:

16 “(I) A characterization of the
17 conditions of confinement and work-
18 ing conditions, including a summary
19 of the inspection criteria reviewed
20 under clauses (ii) and (iii) of subpara-
21 graph (B).

22 “(II) Recommendations made to
23 the covered facility to improve safety
24 and conditions within the facility, in-

1 including recommendations regarding
2 staffing.

3 “(III) A recommended timeline
4 for the next inspection and assess-
5 ment, which shall not limit the au-
6 thority of the Inspector General to
7 perform additional inspections and as-
8 sessments, announced or unan-
9 nounced.

10 “(IV) Any other issues or mat-
11 ters identified during the inspection of
12 the facility or facilities.

13 “(ii) CONSULTATION WITH STAKE-
14 HOLDERS.—In developing the rec-
15 ommendations described in clause (i), the
16 Inspector General may consult with stake-
17 holders, including employee representative
18 organizations.

19 “(E) RISK SCORE.—Not later than 18
20 months after the date of enactment of the Fed-
21 eral Prison Oversight Act, the Inspector Gen-
22 eral shall establish methodology and protocols
23 for determining the combined risk score of a
24 covered facility, which—

- 1 “(i) shall be delivered to the appro-
2 priate congressional committees; and
- 3 “(ii) may be based on—
- 4 “(I) frequency and duration of
5 lockdowns;
- 6 “(II) availability of program-
7 ming;
- 8 “(III) staffing levels;
- 9 “(IV) access to adequate physical
10 and mental health resources;
- 11 “(V) incidences of physical as-
12 sult, neglect, or sexual abuse;
- 13 “(VI) opportunity to maintain
14 family ties through phone calls, video
15 calls, mail, email, and visitation;
- 16 “(VII) adequacy of the nutrition
17 provided;
- 18 “(VIII) amount or frequency of
19 staff discipline cases;
- 20 “(IX) amount or frequency of
21 misconduct by people incarcerated at
22 the covered facility;
- 23 “(X) access of incarcerated peo-
24 ple to—

1 “(aa) legal counsel, includ-
2 ing confidential meetings and
3 communications;

4 “(bb) discovery and other
5 case-related legal materials; and

6 “(cc) the law library at the
7 covered facility; and

8 “(XI) other factors as deter-
9 mined by the Inspector General.

10 “(F) BUREAU RESPONSE TO REPORT.—

11 “(i) IN GENERAL.—Not later than 60
12 days after the date on which the Inspector
13 General issues a report under subpara-
14 graph (D), the Bureau shall respond in
15 writing to the inspection report, which
16 shall include a corrective action plan.

17 “(ii) PUBLIC AVAILABILITY.—Each
18 response and action plan described in
19 clause (i) shall be made available to the
20 public on the website of the Inspector Gen-
21 eral.

22 “(iii) COMPLIANCE WITH CORRECTIVE
23 ACTION PLAN.—The Inspector General
24 may conduct additional inspections or in-
25 vestigations, announced or unannounced,

1 to monitor the compliance of the Bureau
2 with a corrective action plan described in
3 clause (i).

4 “(G) RULE OF CONSTRUCTION.—The au-
5 thority in this paragraph is consistent with and
6 does not supersede, conflict with, or otherwise
7 alter the authority provided to the Inspector
8 General under section 406.

9 “(3) OMBUDSMAN.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of the Federal Pris-
12 on Oversight Act, the Attorney General shall es-
13 tablish in the Department of Justice an Om-
14 budsman who may—

15 “(i) receive a complaint from an in-
16 carcerated person, a family advocate, a
17 representative of an incarcerated person,
18 staff, a representative of staff, a Member
19 of Congress, or a member of the judicial
20 branch of the Federal Government regard-
21 ing issues that may adversely affect the
22 health, safety, welfare, or rights of incar-
23 cerated people or staff, including—

24 “(I) abuse or neglect;

1 “(II) the conditions of confine-
2 ment, including the availability of
3 health care;

4 “(III) working conditions of
5 staff;

6 “(IV) decisions, administrative
7 actions, or guidance of the Bureau,
8 including those relating to prison
9 staffing;

10 “(V) inaction or omissions by the
11 Bureau, including failure to consider
12 or respond to complaints or grievances
13 by incarcerated people or staff
14 promptly or appropriately;

15 “(VI) policies, rules, or proce-
16 dures of the Bureau, including gross
17 mismanagement; and

18 “(VII) alleged violations of non-
19 criminal law by staff or incarcerated
20 people that may adversely affect the
21 health, safety, welfare, or rights of
22 any person;

23 “(ii) refer a complainant and others
24 to appropriate resources or Federal agen-
25 cies;

1 “(iii) make inquiries and recommend
2 actions to appropriate entities on behalf of
3 a complainant, the Ombudsman, or others;
4 and

5 “(iv) decline to investigate or take any
6 action with respect to any complaint and,
7 in any case in which the Ombudsman de-
8 clines to investigate or take any action,
9 shall notify the complainant in writing of
10 the decision not to investigate or take any
11 action and the reasons for the decision.

12 “(B) LIMITATIONS ON AUTHORITY.—The
13 Ombudsman—

14 “(i) may not investigate—

15 “(I) any complaints relating to
16 the underlying criminal conviction of
17 an incarcerated person;

18 “(II) a complaint from staff that
19 relates to the employment or contrac-
20 tual relationship of the staff member
21 with the Bureau, unless the complaint
22 is related to the health, safety, wel-
23 fare, working conditions, gross mis-
24 management of a covered facility, or

1 rehabilitation of incarcerated people;
2 or

3 “(III) any allegation of criminal
4 or administrative misconduct, as de-
5 scribed in subsection (b)(2), and shall
6 refer any matter covered by sub-
7 section (b)(2) to the Inspector Gen-
8 eral, who may, at the discretion of In-
9 spector General, refer such allegations
10 back to the Ombudsman or the inter-
11 nal affairs office of the appropriate
12 component of the Department of Jus-
13 tice; and

14 “(ii) may not levy any fees for the
15 submission or investigation of complaints.

16 “(C) DECISION ON THE MERITS OF A COM-
17 PLAINT.—At the conclusion of an investigation
18 of a complaint, the Ombudsman shall—

19 “(i) render a decision on the merits of
20 each complaint;

21 “(ii) communicate the decision to the
22 complainant, if any, and to the Bureau;
23 and

24 “(iii) state the recommendations and
25 reasoning of the Ombudsman if, in the

1 opinion of the Ombudsman, the Bureau or
2 any employee thereof should—

3 “(I) consider the matter further;

4 “(II) modify or cancel any action;

5 “(III) alter a rule, practice, or
6 ruling;

7 “(IV) explain in detail the ad-
8 ministrative action in question; or

9 “(V) rectify an omission.

10 “(D) ACTIONS FOLLOWING A DECISION BY
11 THE OMBUDSMAN.—

12 “(i) REQUEST FOR INFORMATION
13 ABOUT ACTIONS TAKEN.—If the Ombuds-
14 man so requests, the Bureau shall, within
15 the time specified, respond to any inquiry
16 or request for information from the Om-
17 budsman and inform the Ombudsman
18 about any action taken on the rec-
19 ommendations provided by the Ombuds-
20 man or the reasons for not complying with
21 any request for information or rec-
22 ommendations.

23 “(ii) REPORTING OF CONTINUING
24 ISSUES.—If the Ombudsman believes,
25 based on an investigation conducted by the

1 Ombudsman, that there has been or con-
2 tinues to be a significant health, safety,
3 welfare, working conditions, or rehabilita-
4 tion issue, the Ombudsman shall report the
5 finding to the Attorney General and the
6 appropriate congressional committees.

7 “(iii) MONITORING OF INTERNAL DIS-
8 CIPLINARY ACTIONS OF THE BUREAU.—In
9 the event that the Bureau conducts an in-
10 ternal disciplinary investigation or review
11 of 1 or more staff members of the Bureau
12 as a result of an investigation by the Om-
13 budsman, the Ombudsman may monitor
14 the internal disciplinary action to ensure a
15 fair and objective process.

16 “(4) INSPECTOR GENERAL AND OMBUDSMAN
17 ACCESS TO BUREAU OF PRISONS FACILITIES.—

18 “(A) IN GENERAL.—

19 “(i) ACCESS TO BUREAU FACILI-
20 TIES.—Except as provided in clause (ii),
21 upon demand, in person or in writing and
22 with or without prior notice, the Inspector
23 General and the Ombudsman shall be
24 granted access to all Bureau facilities,
25 which shall include—

1 “(I) all areas that are used by in-
2 carcerated people, all areas that are
3 accessible to incarcerated people, and
4 access to programs for incarcerated
5 people at any time of day; and

6 “(II) the opportunity to—

7 “(aa) conduct private and
8 confidential interviews with any
9 incarcerated person, staff, em-
10 ployee representative organiza-
11 tion, or other person; and

12 “(bb) communicate privately
13 and confidentially, both formally
14 and informally, with incarcerated
15 people or staff by telephone,
16 mail, electronic communication,
17 and in person, which shall not be
18 monitored or recorded by or con-
19 ducted in the presence of staff.

20 “(ii) EXCEPTION.—Clause (i) shall
21 not apply in situations where the head of
22 the covered facility provides evidence to the
23 Inspector General or the Ombudsman that
24 there is risk of serious and immediate
25 physical harm to visitors due to an ongoing

1 event that requires restricting access to the
2 facility.

3 “(B) PURPOSE OF VISITS.—Access to Bu-
4 reau facilities under subparagraph (A) is for
5 the purposes of—

6 “(i) conducting announced or unan-
7 nounced inspections by the Inspector Gen-
8 eral as described in paragraph (2), includ-
9 ing inspections to monitor the compliance
10 of the Bureau with a corrective action plan
11 described in paragraph (2)(F)(i);

12 “(ii) conducting an investigation or
13 other activity by the Ombudsman as de-
14 scribed in paragraph (3); and

15 “(iii) inspecting, viewing,
16 photographing, and video recording all
17 areas of the facility that are used by incar-
18 cerated people or are accessible to incarcer-
19 ated people.

20 “(C) ACCESS TO DOCUMENTS.—

21 “(i) IN GENERAL.—The Inspector
22 General and the Ombudsman have the
23 right to access, inspect, and copy all rel-
24 evant information, records, or documents
25 in the possession or control of the Bureau

1 that either the Inspector General or the
2 Ombudsman considers necessary in an in-
3 spection, investigation, or other activity,
4 and the Bureau shall assist the Inspector
5 General and the Ombudsman in obtaining
6 the necessary releases for those documents
7 that are specifically restricted or privileged
8 for use by the Bureau.

9 “(ii) PRODUCTION OF RECORDS.—
10 Following notification from the Inspector
11 General or the Ombudsman with a written
12 demand for access to Bureau records, the
13 Bureau shall provide access to the re-
14 quested documentation in a manner con-
15 sistent with section 552a (commonly
16 known as the ‘Privacy Act of 1974’)—

17 “(I) not later than 30 business
18 days after receipt of the written re-
19 quest; or

20 “(II) in the case of records per-
21 taining to the death of an incarcer-
22 ated person or staff, threats of bodily
23 harm including sexual or physical as-
24 saults, or the denial or delay of nec-
25 essary medical treatment, not later

1 than 10 business days after receipt of
2 the written request, unless the Inspec-
3 tor General or the Ombudsman con-
4 sents to an extension of that time
5 frame.

6 “(D) MINIMIZE DISRUPTION OF OPER-
7 ATIONS.—The Inspector General and the Om-
8 budsman shall—

9 “(i) develop procedures—

10 “(I) to ensure that the Inspector
11 General has access to, and the right
12 to review and investigate, any allega-
13 tions received by the Ombudsman to
14 ensure that the Inspector General
15 may carry out the authorities provided
16 to the Inspector General under this
17 chapter; and

18 “(II) that may provide that the
19 Inspector General and the Ombuds-
20 man will determine certain categories
21 of allegations that are not necessary
22 for the Inspector General to review
23 prior to the Ombudsman proceeding;

24 “(ii) work with the Bureau to mini-
25 mize disruption to the operations of the

1 Bureau due to inspections, investigations,
2 or other activity;

3 “(iii) comply with the security clear-
4 ance processes of the Bureau, provided
5 these processes do not impede the activities
6 described in this subsection; and

7 “(iv) limit the public release of any
8 photographs or video recordings that would
9 jeopardize—

10 “(I) the safety, security, or good
11 order of a covered facility or the Bu-
12 reau; or

13 “(II) public safety.

14 “(E) RULE OF CONSTRUCTION.—The au-
15 thority in this paragraph is consistent with and
16 does not supersede, conflict with, or otherwise
17 alter the authority provided to the Inspector
18 General under section 406.

19 “(5) CONFIDENTIALITY.—

20 “(A) IN GENERAL.—Correspondence and
21 communication with the Inspector General and
22 the Ombudsman, including communication re-
23 garding an issue described in section 4051 of
24 title 18 is confidential and shall be protected as

1 privileged correspondence in the same manner
2 as legal correspondence or communications.

3 “(B) PROCEDURES.—Subject to subpara-
4 graph (C), the Inspector General and the Om-
5 budsman shall establish confidentiality proce-
6 dures for all information maintained by the re-
7 spective office to ensure that, to the greatest
8 extent practicable, before, during, or after an
9 investigation—

10 “(i) staff are not aware of the identity
11 of a complainant; and

12 “(ii) other incarcerated people are not
13 aware of the identity of a complainant.

14 “(C) EXCEPTION.—The Inspector General
15 and the Ombudsman may disclose identifying
16 information for the sole purpose of carrying out
17 an investigation and as otherwise authorized
18 under section 407(b).

19 “(6) FILING COMPLAINTS.—

20 “(A) FILING COMPLAINTS ON BEHALF OF
21 AN INCARCERATED INDIVIDUAL.—

22 “(i) ONLINE FORM.—The Ombuds-
23 man shall create a secure online form to be
24 made available on the website of the Om-
25 budsman where the family advocates and

1 representatives of incarcerated people can
2 submit complaints and inquiries on issues
3 identified in paragraph (3)(A)(i) on behalf
4 of an individual incarcerated at a covered
5 facility.

6 “(ii) TELEPHONE HOTLINE.—The
7 Ombudsman shall create a telephone hot-
8 line through which family advocates and
9 representatives of incarcerated people can
10 call to file complaints and inquiries on
11 issues identified in paragraph (3)(A)(i) on
12 behalf of an individual incarcerated at a
13 covered facility.

14 “(B) FILING COMPLAINTS BY AN INCAR-
15 CERATED INDIVIDUAL.—

16 “(i) INTERNAL PRIVATE SUBMIS-
17 SION.—The Bureau shall provide multiple
18 internal ways for incarcerated individuals
19 in covered facilities to privately submit to
20 the Ombudsman complaints and inquiries
21 on issues identified in paragraph (3)(A)(i).

22 “(ii) SUBMISSION VIA INDEPENDENT
23 ENTITY.—The Bureau shall also provide
24 not less than 1 process for incarcerated in-
25 dividuals in covered facilities to submit

1 complaints and inquiries on issues identi-
2 fied in paragraph (3)(A)(i) to a public or
3 private entity or office that is not part of
4 the Bureau and that is able to receive and
5 immediately forward complaints and in-
6 quires to the Ombudsman, allowing the in-
7 carcerated individual to remain anonymous
8 upon request.

9 “(C) DETERMINATION.—

10 “(i) CONFIRMATION OF RECEIPT.—
11 Not later than 5 business days after sub-
12 mission of a complaint or inquiry under
13 subparagraph (A) or (B), the Ombudsman
14 shall confirm receipt.

15 “(ii) DETERMINATION.—Not later
16 than 15 business days after issuing the
17 confirmation under clause (i), the Ombuds-
18 man shall make a determination as to
19 whether any action is warranted and notify
20 the complainant of the determination.

21 “(iii) STATEMENT REGARDING DECI-
22 SION.—If the Ombudsman has determined
23 action is unwarranted under clause (ii), the
24 Ombudsman shall provide a written state-

1 ment explaining the decision to the com-
2 plainant.

3 “(D) PUBLIC EDUCATION.—The Ombuds-
4 man shall coordinate with the Bureau to edu-
5 cate incarcerated people, representatives of in-
6 carcerated people, and the public about the ex-
7 istence and functions of the Ombudsman.

8 “(E) ADMINISTRATIVE EXHAUSTION.—
9 Nothing in this paragraph shall be construed as
10 a necessary administrative remedy required for
11 exhaustion under section 7(a) of the Civil
12 Rights of Institutionalized Persons Act (42
13 U.S.C. 1997e(a)).

14 “(7) PROHIBITION ON RETALIATION.—

15 “(A) IN GENERAL.—The Bureau and staff
16 of the Bureau shall not discharge, retaliate
17 against, or in any manner discriminate against
18 any complainant or any person or entity that
19 has instituted or caused to be instituted any
20 proceeding, investigation, or inspection under or
21 related to this subsection.

22 “(B) INVESTIGATION.—Any alleged dis-
23 charge of, retaliation against, or discrimination
24 against a complainant, entity, or person be-
25 cause of a complaint, investigation, or inspec-

1 tion may be considered by the Ombudsman as
2 an appropriate subject of an investigation or
3 other activity.

4 “(8) DUE PROCESS PROTECTIONS.—

5 “(A) IN GENERAL.—The Attorney General
6 and the Inspector General shall ensure that im-
7 plementation of this subsection is consistent
8 with section 552a (commonly known as the
9 ‘Privacy Act of 1974’) and all other applicable
10 laws, and respects appropriate due process pro-
11 tections for staff.

12 “(B) RULE OF CONSTRUCTION.—Nothing
13 in this paragraph shall be construed to modify,
14 supersede, or otherwise affect the authority of
15 the Inspector General to access all records, re-
16 ports, audits, reviews, documents, papers, rec-
17 ommendations, or other materials, as author-
18 ized by section 406(a).

19 “(9) PERCENTAGE OF ANNUAL APPROPRIATION
20 FOR THE BUREAU OF PRISONS.—It is the sense of
21 Congress that the amount allocated to the Inspector
22 General and the Ombudsman to carry out the activi-
23 ties described in this subsection should equal an
24 amount between 0.2 percent and 0.5 percent of the
25 annual appropriation for the Bureau.”.

1 (b) EFFECTIVE DATE.—This Act, and the amend-
2 ments made by this Act, shall take effect on the date that
3 is 90 days after the date on which appropriations are
4 made available to the Inspector General of the Depart-
5 ment of Justice and the Department of Justice for the
6 specific purpose of carrying out the provisions of this Act
7 and the amendments made by this Act.

8 (c) AUGMENTATION.—On and after the effective date
9 of this Act, the Bureau of Prisons shall implement the
10 directive in the second sentence on the topic “Augmenta-
11 tion” in the matter under the heading “SALARIES AND
12 EXPENSES” under the heading “FEDERAL PRISON
13 SYSTEM” in the joint explanatory statement accom-
14 panying Public Law 117–328.

Passed the House of Representatives May 21, 2024.

Attest:

Clerk.

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