112TH CONGRESS
2D SESSION

# S. _____

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

---

IN THE SENATE OF THE UNITED STATES

_____

Mr. MCCONNELL (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on _____

---

# A BILL

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Prisons Accountability Act of 2012".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Director of the Bureau of Prisons leads a law enforcement component of the Department of

1 Justice with a budget that exceeds $6,500,000,000
2 for fiscal year 2012.
3 (2) With the exception of the Federal Bureau
4 of Investigation, the Bureau of Prisons has the larg-
5 est operating budget of any unit within the Depart-
6 ment of Justice.
7 (3) The Director of the Bureau of Prisons over-
8 sees and is responsible for the welfare of more than
9 216,000 Federal inmates in 117 facilities.
10 (4) The Director of the Bureau of Prisons su-
11 pervises more than 37,000 employees, many of
12 whom operate in hazardous environments that in-
13 volve regular interaction with violent offenders.
14 (5) The Director of the Bureau of Prisons also
15 serves as the chief operating officer for Federal Pris-
16 ons Industries, a wholly owned government enter-
17 prise of 98 prison factories that directly competes
18 against the private sector, including small busi-
19 nesses, for Government contracts.
20 (6) Within the Department of Justice, in addi-
21 tion to those officials who oversee litigating compo-
22 nents, the Director of the Bureau of Alcohol, To-
23 bacco, Firearms, and Explosives, the Director of the
24 Bureau of Justice Assistance, the Director of the
25 Bureau of Justice Statistics, the Director of the

Community Relations Service, the Director of the Federal Bureau of Investigation, the Director of the National Institute of Justice, the Director of the Office for Victims of Crime, the Director of the Office on Violence Against Women, the Administrator of the Drug Enforcement Administration, the Deputy Administrator of the Drug Enforcement Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the United States Marshals Service, 94 United States Marshals, the Inspector General of the Department of Justice, and the Special Counsel for Immigration Related Unfair Employment Practices, are all appointed by the President by and with the advice and consent of the Senate.

(7) Despite the significant budget of the Bureau of Prisons and the vast number of people under the responsibility of the Director of the Bureau of Prisons, the Director is not appointed by and with the advice and consent of the Senate.

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

(a) IN GENERAL.—Section 4041 of title 18, United States Code, is amended by striking "appointed by and serving directly under the Attorney General." and inserting the following: "who shall be appointed by the Presi-

1 dent by and with the advice and consent of the Senate.
2 The Director shall serve directly under the Attorney Gen-
3 eral.".

4 (b) INCUMBENT.—Notwithstanding the amendment
5 made by subsection (a), the individual serving as the Di-
6 rector of the Bureau of Prisons on the date of enactment
7 of this Act may serve as the Director of the Bureau of
8 Prisons until the date that is 3 months after the date of
9 enactment of this Act.

10 (c) RULE OF CONSTRUCTION.—Nothing in this Act
11 shall be construed to limit the ability of the President to
12 appoint the individual serving as the Director of the Bu-
13 reau of Prisons on the date of enactment of this Act to
14 the position of the Director of the Bureau of Prisons in
15 accordance with section 4041 of title 18, United States
16 Code, as amended by subsection (a).