

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 5062

To address sexual harassment and sexual assault of Bureau of Prisons staff in prisons, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mrs. BLACKBURN (for herself and Mr. OSSOFF)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prison Staff Safety

5 Enhancement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In 2023, the Office of the Inspector General

9 of the Department of Justice released a report titled

10 “Evaluation of the Federal Bureau of Prisons’ Ef-

11 forts to Address Sexual Harassment and Sexual As-

1 sault Committed by Inmates Toward Staff” (in this
2 section referred to as the “Inspector General re-
3 port”).

4 (2) The Inspector General report examined all
5 sanctioned inmate sexual incidents in the Bureau of
6 Prisons (in this section referred to as the “Bureau”)
7 between fiscal years 2015 and 2021, and found that
8 inmate-on-staff sexual harassment and sexual as-
9 sault is widespread.

10 (3) The Inspector General report further found
11 that the Bureau does not collect adequate data on
12 inmate-on-staff sexual harassment and sexual as-
13 sault and that, because of the Bureau’s inadequate
14 data, the Bureau has not been able to identify the
15 full scope of inmate-on-staff sexual harassment and
16 sexual assault.

17 (4) The Inspector General report further found
18 that the Bureau does not have systems to evaluate
19 the effectiveness of the Bureau’s strategies to miti-
20 gate inmate-on-staff sexual harassment and sexual
21 assault.

22 (5) The Inspector General report made rec-
23 ommendations to the Bureau to address the failures
24 in the Bureau’s data collection and mitigation ef-

1 forts, but the Bureau has not implemented these
2 recommendations.

3 **SEC. 3. ADDRESSING SEXUAL HARASSMENT AND SEXUAL**
4 **ASSAULT OF BUREAU OF PRISONS STAFF.**

5 (a) DEFINITIONS.—In this section:

6 (1) BUREAU.—The term “Bureau” means the
7 Bureau of Prisons.

8 (2) CORRECTIONAL OFFICER.—The term “cor-
9 rectional officer” has the meaning given the term in
10 section 4051 of title 18, United States Code.

11 (3) INSPECTOR GENERAL.—The term “Inspec-
12 tor General” means the Inspector General of the De-
13 partment of Justice.

14 (4) INCARCERATED INDIVIDUAL.—The term
15 “incarcerated individual” has the meaning given the
16 term “prisoner” in section 4051 of title 18, United
17 States Code.

18 (5) SEXUAL ASSAULT.—The term “sexual as-
19 sault” means an act described in subsection (b), (c),
20 or (d) of section 920 of title 10, United States Code.

21 (6) SEXUAL HARASSMENT.—The term “sexual
22 harassment” means unwelcome sexual advances, re-
23 quests for sexual favors, or other verbal or physical
24 conduct of a sexual nature that explicitly or implic-
25 itly affect an individual’s employment, unreasonably

1 interfere with an individual’s work performance, or
2 create an intimidating, hostile, or offensive work en-
3 vironment.

4 (b) IMPLEMENTATION OF RECOMMENDATIONS BY
5 BUREAU.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of enactment of this Act, the Bureau shall
8 fully implement each recommendation in the report
9 released by the Inspector General in 2023 titled
10 “Evaluation of the Federal Bureau of Prisons’ Ef-
11 forts to Address Sexual Harassment and Sexual As-
12 sault Committed by Inmates Toward Staff”.

13 (2) REPORT.—If the Bureau has not fully im-
14 plemented each recommendation referenced in para-
15 graph (1) by the deadline under that paragraph, the
16 Bureau shall submit a report to Congress by that
17 deadline that includes an explanation of the failure
18 to fully implement each recommendation and a de-
19 tailed timeline for full implementation.

20 (c) DATA ANALYSIS BY INSPECTOR GENERAL.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date as of which the Bureau has fully imple-
23 mented each recommendation referenced in sub-
24 section (b)(1)—

1 (A) the Inspector General shall request
2 from the Bureau, and the Bureau shall provide,
3 updated data on the number and prevalence of
4 sexual harassment and sexual assault incidents
5 perpetrated by incarcerated individuals against
6 a correctional officer or other employee of the
7 Bureau during fiscal years 2022 through 2025;

8 (B) the Inspector General shall conduct an
9 analysis of the data described in subparagraph
10 (A); and

11 (C) the Inspector General shall provide
12 Congress and the Attorney General with the
13 analysis conducted under subparagraph (B) and
14 any additional recommendations, including
15 analysis of whether the Bureau has taken suffi-
16 cient steps to identify the prevalence and scope
17 of sexual harassment and sexual assault inci-
18 dents perpetrated by incarcerated individuals
19 against a correctional officer or other employee
20 of the Bureau and to mitigate such incidents.

21 (2) ANALYSIS OF PUNISHMENTS.—The analysis
22 required under paragraph (1)(C) shall include an
23 analysis of punishments for sexual harassment and
24 sexual assault as of the date of enactment of this
25 Act in facilities controlled by the Bureau of Prisons,

1 including data on the use of such punishments dur-
2 ing the 5-year period preceding the date of enact-
3 ment of this Act.

4 (d) RULEMAKING BY ATTORNEY GENERAL.—Not
5 later than 1 year after receiving the analysis under sub-
6 section (c), the Attorney General shall promulgate a rule
7 adopting national standards for prevention, reduction, and
8 punishment of sexual harassment and sexual assault per-
9 petrated by an incarcerated individual against a correc-
10 tional officer or other employee of the Bureau.