

118TH CONGRESS  
2D SESSION

# S. 4757

To improve the environmental health outcomes of incarcerated people and  
carceral facility workers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 24, 2024

Mr. MARKEY (for himself, Mr. MERKLEY, Mr. PADILLA, Mr. BOOKER, and  
Mr. DURBIN) introduced the following bill; which was read twice and re-  
ferred to the Committee on the Judiciary

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## A BILL

To improve the environmental health outcomes of incarcerated  
people and carceral facility workers, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Environmental Health in Prisons Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; sense of Congress.

Sec. 3. Definitions.

- Sec. 4. Improving environmental monitoring and reporting at Federal carceral facilities.
- Sec. 5. Communicating health information and options.
- Sec. 6. National Environmental Policy Act Considerations.
- Sec. 7. Procurement language.
- Sec. 8. Creating model programs for environmental health improvements.
- Sec. 9. Grant program to improve environmental health outcomes for people in State, local, and Tribal carceral facilities.
- Sec. 10. Report on mitigation and adaptation measures.
- Sec. 11. Prohibition on penalization or retaliation.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) In *Helling v. McKinney*, 509 U.S. 25  
4 (1993), the Supreme Court of the United States  
5 ruled that the Constitution of the United States pro-  
6 tects incarcerated people from current and future  
7 harm caused by a deliberate indifference to a sub-  
8 stantial risk of serious harm.

9 (2) Carceral facilities across the country expose  
10 incarcerated people, staff, and surrounding commu-  
11 nities to hazardous environmental conditions.

12 (3) The environmental health impacts of incar-  
13 ceration disproportionately impact racial minorities,  
14 members of the LGBTQ+ community, and people  
15 with disabilities, who are several times more likely to  
16 be incarcerated in the United States.

17 (4) Every year of incarceration reduces a per-  
18 son's life expectancy by an average of 2 years.

19 (5) The environmental injustice of imprison-  
20 ment extends to the siting of carceral facilities, as

1 the majority of jails are located in communities of  
2 color and the majority of prisons are located in low-  
3 income rural communities.

4 (6) Almost  $\frac{1}{3}$  of State and Federal carceral fa-  
5 cilities are located within 3 miles of Superfund sites  
6 contaminated with at least 1 hazardous substance.

7 (7) 44 percent of incarcerated people, compared  
8 to 31 percent of the general population, report cur-  
9 rently having at least one chronic condition, such as  
10 hypertension, asthma, heart disease, and diabetes,  
11 which makes incarcerated people more susceptible to  
12 environmental stressors.

13 (8) Of incarcerated people identifying as fe-  
14 male, 65 percent report ever having a chronic condi-  
15 tion, which is considerably more than the 50 percent  
16 of incarcerated people identifying as male who report  
17 ever having a chronic condition.

18 (9) Incarcerated people perform labor, such as  
19 electronic waste recycling, asbestos abatement, lead  
20 paint removal, and forest fire fighting, which ex-  
21 poses them to hazardous conditions without the  
22 same level of protection afforded to other non-incar-  
23 cerated laborers, including protective gear and occu-  
24 pational health and safety protocols.

1           (10) The number of incarcerated people in Fed-  
2           eral and State carceral facilities aged 55 years or  
3           older has increased by more than 200 percent since  
4           2000, and older people are more susceptible to envi-  
5           ronmental stressors.

6           (11) The majority of the 122 carceral facilities  
7           operated by the Bureau of Prisons are located in  
8           flood-prone areas.

9           (12) There is currently no unified Federal plan  
10          to provide oversight or relief to incarcerated people  
11          during climate disaster events.

12          (13) As of 2022, the departments of corrections  
13          for 33 States did not have, or did not make publicly  
14          available on their websites, emergency management  
15          plans.

16          (14) Following Hurricane Harvey in 2017,  
17          8,000 incarcerated people were left for days in 4  
18          flooded Texas State carceral facilities without ade-  
19          quate food, water, or sanitation.

20          (15) Carceral facilities are a source of air and  
21          water pollution for surrounding communities.

22          (16) Carceral facilities are among the most en-  
23          ergy-intensive public infrastructure, consuming an  
24          average of 170,000 British thermal units per square  
25          foot.

1           (17) Heat indices, a metric that combines air  
2           temperature and relative humidity, have been logged  
3           at higher than 150 degrees Fahrenheit inside  
4           carceral facilities.

5           (18) More than half of all Tribal carceral facili-  
6           ties could experience at least 50 days each year in  
7           temperatures above 90 degrees Fahrenheit by the  
8           end of the 21st century if climate change continues  
9           unabated.

10          (19) In the few decades preceding the date of  
11          enactment of this Act, locations in which carceral fa-  
12          cilities are located were, on average, exposed to 5.5  
13          more days per year of hazardous heat exposure than  
14          locations without carceral facilities.

15          (20) State-run carceral facilities in Texas and  
16          Florida account for 52 percent of total hazardous  
17          heat exposure in carceral facilities, accounting for  
18          carceral-level exposure and the number of people ex-  
19          posed, despite holding 12 percent of all incarcerated  
20          people.

21          (21) 118 carceral facilities, largely in southern  
22          California, Arizona, Texas, and inland Florida, expe-  
23          rience on average 75 days or more per year of haz-  
24          ardous heat.

1           (22) In 2020, more than 900,000 incarcerated  
2           people in the United States, or 45 percent of the es-  
3           timated total incarcerated population, were housed  
4           in 1,739 carceral facilities that increasingly experi-  
5           enced hazardous heat relative to 1982.

6           (23) 13 States in the southern and midwestern  
7           United States lack universal air conditioning re-  
8           quirements in carceral facilities, namely Alabama,  
9           Arizona, Florida, Georgia, Kansas, Kentucky, Lou-  
10          isiana, Mississippi, Missouri, North Carolina, South  
11          Carolina, Texas, and Virginia.

12          (24) 22 States lack policies on temperature reg-  
13          ulation in carceral facilities.

14          (25) Only 17 States specify allowable tempera-  
15          ture ranges in carceral facilities.

16          (26) There are no statutory requirements for  
17          allowable temperature ranges in Federal carceral fa-  
18          cilities, but the Facilities Operations Manual of the  
19          Bureau of Prisons sets a target temperature of 76  
20          degrees Fahrenheit during summer months and 68  
21          degrees Fahrenheit during winter months.

22          (27) Incarcerated people and carceral facility  
23          staff often lack common and relatively low-cost op-  
24          tions to regulate body temperature, including taking  
25          a cool shower, drinking cold water, moving into the

1 shade or an air conditioned space, and operating a  
2 fan.

3 (28) In some carceral facilities, fans cost the  
4 equivalent of several months of wages and are deliv-  
5 ered months after being ordered.

6 (29) More than 60 percent of incarcerated peo-  
7 ple report taking prescription medication that could  
8 affect the ability to regulate body temperature and  
9 increase sensitivity to heat and cold.

10 (30) Many antipsychotic drugs, which are com-  
11 monly prescribed to incarcerated people—

12 (A) can affect central thermoregulatory  
13 processes, causing the body to overheat by re-  
14 ducing cutaneous blood flow; and

15 (B) can have anticholinergic effects, reduc-  
16 ing the body's ability to produce sweat.

17 (31) Between 1980 and 2019, more than 1,200  
18 cases were filed in State and Federal courts alleging  
19 unsafe conditions relating to the temperatures in  
20 carceral facilities, including the following:

21 (A) Temperatures exceeding 100 degrees  
22 Fahrenheit.

23 (B) Faulty ventilation systems.

24 (C) Limited cooling resources, such as  
25 water and access to fans.

1 (D) Broken heating systems.

2 (E) Temperatures below 32 degrees Fahr-  
3 enheit.

4 (F) Ice forming in toilets.

5 (G) Inadequate clothing and blankets.

6 (H) Conditions that caused frostbite.

7 (32) The incarcerated population in 18 States  
8 and the Federal system exceeds the rated capacity of  
9 carceral facilities, causing the buildup of heat and a  
10 decrease in air quality.

11 (33) Despite the issues described in paragraph  
12 (32), there are no plans in place to decarcerate peo-  
13 ple or implement diversion programs.

14 (34) In 2023, high security Federal carceral fa-  
15 cilities were 23 percent over their rated capacity.

16 (35) Between 2011 and 2021, more than 5,000  
17 violations of standards under the Safe Drinking  
18 Water Act (42 U.S.C. 300f et seq.) occurred among  
19 the 408 carceral facilities that have their own drink-  
20 ing water systems, leading to nearly 3,000 enforce-  
21 ment actions by Federal and State agencies.

22 (36) A study published by researchers in the  
23 American Journal of Public Health found that 47  
24 percent of carceral facilities in the United States  
25 housing at least 990,000 people and 12,900 juve-



1       niles have not less than 1 presumptive source of  
2       perfluoroalkyl and polyfluoroalkyl substance con-  
3       tamination in the same watershed boundary at a  
4       higher elevation of the facility.

5           (37) Incarcerated people and carceral facility  
6       staff within carceral facilities with contaminated  
7       water have limited options to obtain alternative  
8       water sources or use water treatment technologies.

9           (38) Bottled water from carceral facility com-  
10      missaries can be prohibitively expensive.

11          (39) The cost of 64 fluid ounces of bottled  
12      water from carceral facility commissaries, which is  
13      the recommended daily volumetric intake, is typically  
14      30 percent greater than the average daily wage of an  
15      incarcerated person.

16          (40) More than a quarter of community water  
17      systems exclusively serving carceral facilities in the  
18      southwestern United States have average arsenic lev-  
19      els exceeding the maximum contaminant level stand-  
20      ards of the Environmental Protection Agency of 10  
21      micrograms per liter.

22          (41) Average 6-year arsenic concentrations in  
23      community water systems exclusively serving  
24      carceral facilities in the southwestern United States  
25      were more than twice the concentrations of other

1 community water systems in the same geographic  
2 areas.

3 (42) 43 percent of all water samples collected  
4 at the Massachusetts Correctional Institution at  
5 Norfolk between 2011 and 2018 had hazardous lev-  
6 els of manganese.

7 (43) Poor ventilation in carceral facilities can  
8 lead to the spread of infectious respiratory diseases,  
9 allergies, other respiratory illnesses, and psycho-  
10 logical stress.

11 (44) In 2020, the COVID–19 case rate was 5.5  
12 times higher in carceral facilities than in the rest of  
13 the population, due in part to poor ventilation.

14 (45) More than 155 carceral facilities in New  
15 York, New Jersey, Delaware, and Pennsylvania ex-  
16 perience hazardous air quality from wildfire smog  
17 events during the summer of 2023.

18 (46) 54 carceral facilities in the United States  
19 are located in areas that are above the 95th per-  
20 centile for wildfire risk.

21 (47) During the 2020 Dixie Fire in California,  
22 2 California State carceral facilities within the des-  
23 ignated mandatory evacuation zone were not evacu-  
24 ated, forcing incarcerated people and carceral facility  
25 staff to breathe hazardous air.

1 (48) Testing at Garner Correctional Institution  
2 in Newtown, Connecticut, in 2014 revealed—

3 (A) radon levels at or above the standard  
4 levels set by the Environmental Protection  
5 Agency; and

6 (B) that air at one location in the facility  
7 had more than 23 picocuries of radiation per  
8 liter of air, which can cause as much lung dam-  
9 age as smoking 2½ packs of cigarettes per day.

10 (49) A tire landfill adjacent to the Laborde  
11 Correctional Center in Louisiana burned for 4 days  
12 before the facility was evacuated, exposing incarcer-  
13 ated people and carceral facility staff to hazardous  
14 air pollutants.

15 (50) Incarcerated people and carceral facility  
16 staff at Pennsylvania State Correctional Institution,  
17 a facility located near a toxic coal waste site, report  
18 high rates of respiratory problems and cancer.

19 (51) Poor air quality has been shown to make  
20 the behavior of incarcerated people and carceral fa-  
21 cility staff more volatile, resulting in a threat to  
22 safety within the facility.

23 (52) Incarcerated people—

24 (A) are often served meals that are high in  
25 fat, salt, sugar, and carbohydrates; and

1 (B) have little access to fresh fruits, vege-  
2 tables, and other foods that are requisite for  
3 good health.

4 (53) Diets of incarcerated people are regularly  
5 below dietary reference intakes for vitamin D, mag-  
6 nesium, and omega 3s, which are nutrients that play  
7 a part in bipolar disorder, anxiety, and depression.

8 (54) Incarcerated people with access to green  
9 space are less likely to engage in self-harming or vio-  
10 lent behavior.

11 (55) Incarcerated people and carceral facility  
12 staff with little access to natural light are more like-  
13 ly to exhibit signs of depression.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that—

16 (1) many of the specific examples of environ-  
17 mental injustice detailed in subsection (a) are wide-  
18 spread at carceral facilities throughout the United  
19 States;

20 (2) many of the examples of environmental in-  
21 justice detailed in subsection (a) are also commonly  
22 encountered within communities with higher than  
23 average incarceration rates, thereby perpetuating  
24 systemic patterns of environmental harm;

1           (3) racial minorities and LGBTQ+ people are  
2 more likely to be incarcerated and therefore bear a  
3 disproportionate burden of the environmental health  
4 impacts of mass incarceration; and

5           (4) incarcerated people and carceral facility  
6 staff should—

7           (A) have the right to a healthy living envi-  
8 ronment;

9           (B) have access to reasonable alternatives  
10 and options during environmental health emer-  
11 gencies; and

12           (C) have access to comprehensible informa-  
13 tion regarding environmental health variables,  
14 rights, and mitigation and adaptation measures  
15 to overcome environmental health threats.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18           (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
19 **TEES.**—The term “appropriate congressional com-  
20 mittees” means the Committee on the Judiciary and  
21 the Committee on Environment and Public Works of  
22 the Senate and the Committee on the Judiciary, the  
23 Committee on Oversight and Accountability, and the  
24 Committee on Energy and Commerce of the House  
25 of Representatives.

1           (2) CARCERAL FACILITY.—The term “carceral  
2 facility”—

3           (A) means physical infrastructure or an  
4 environment in which currently incarcerated  
5 people are held or required to spend significant  
6 periods of time; and

7           (B) includes a prison, jail, juvenile deten-  
8 tion center, juvenile secure facility, mental  
9 health facility, treatment facility, rehabilitation  
10 center, civil commitment facility, civil detention  
11 facility, and immigration facility.

12           (3) CARCERAL FACILITY STAFF.—The term  
13 “carceral facility staff”—

14           (A) means a person employed at or by, or  
15 who volunteers at, a carceral facility who faces  
16 exposure to similar environmental stressors as  
17 people incarcerated at the facility; and

18           (B) includes a person described in sub-  
19 paragraph (A) who is a correctional officer,  
20 guard, contractor, grounds staff, maintenance  
21 staff, cafeteria staff, commissary and canteen  
22 staff, program staff, educator, healthcare work-  
23 er, religious staff, legal counsel or advocate, or  
24 volunteer.

1           (4) COMPREHENSIBLE INFORMATION.—The  
2 term “comprehensible information”, with respect to  
3 information communicated to an incarcerated per-  
4 son, means a standard of accessibility that—

5           (A) is in agreement with a native language  
6 of the person or a language the person speaks  
7 or reads with enough fluency to comprehend  
8 technical information;

9           (B) facilitates comprehension based on the  
10 educational level and disability status of the  
11 person;

12           (C) provides opportunity to seek out clari-  
13 fication and ask questions regarding the infor-  
14 mation and its implications for environmental  
15 health; and

16           (D) complies with section 504 of the Reha-  
17 bilitation Act of 1974 (29 U.S.C. 794), and its  
18 implementing regulations or any successor regu-  
19 lations, and title II of the Americans with Dis-  
20 abilities Act (42 U.S.C. 12131 et seq.), and its  
21 implementing regulations or any successor regu-  
22 lations.

23           (5) DIRECTOR.—The term “Director” means  
24 the Director of the Federal Bureau of Prisons.

1           (6) ENVIRONMENTAL HEALTH.—The term “en-  
2           vironmental health” means aspects of human health,  
3           including quality of life and disease, that are im-  
4           pacted by environmental stressors.

5           (7) ENVIRONMENTAL STRESSOR.—The term  
6           “environmental stressor” means a physical, biologi-  
7           cal, chemical, or other aspect of the natural or built  
8           environment, including the presence or absence of  
9           functional infrastructure, which can lead to adverse  
10          health outcomes.

11          (8) EXPOSURE.—The term “exposure” means  
12          the condition of being subject to an environmental  
13          stressor through inhalation, consumption, drinking,  
14          absorption, ambient conditions, or close proximity.

15          (9) FEDERAL CARCERAL FACILITY.—The term  
16          “Federal carceral facility” means a carceral facility  
17          operated by, affiliated with, or operated under a con-  
18          tract with—

19                 (A) the Bureau of Prisons;

20                 (B) the United States Marshals Service;

21                 (C) U.S. Immigration and Customs En-  
22                 forcement; or

23                 (D) the Bureau of Indian Affairs.

24          (10) INCARCERATED PERSON.—The term “in-  
25          carcerated person”—



1 (A) means an individual held in a carceral  
2 facility; and

3 (B) includes an individual awaiting trial,  
4 an individual awaiting a ruling by an immigra-  
5 tion judge, and an individual serving a sen-  
6 tence.

7 (11) STATE, LOCAL, OR TRIBAL CARCERAL FA-  
8 CILITY.—The term “State, local, or Tribal carceral  
9 facility” means a carceral facility operated by, affili-  
10 ated with, or operated under a contract with a State,  
11 local, or Tribal government.

12 (12) SUPERFUND SITE.—The term “Superfund  
13 site” means a hazardous waste site or a site on the  
14 National Priorities List developed by the President  
15 in accordance with section 105(a)(8)(B) of the Com-  
16 prehensive Environmental Response, Compensation,  
17 and Liability Act of 1980 (42 U.S.C.  
18 9605(a)(8)(B)).

19 (13) VULNERABLE POPULATION.—The term  
20 “vulnerable population”—

21 (A) means a group of incarcerated people  
22 and carceral facility staff who are at higher risk  
23 of exposure to environmental stressors or higher  
24 risk of negative health outcomes from exposure  
25 to environmental stressors; and

- 1 (B) includes—
- 2 (i) people who are older than 50 years
- 3 of age;
- 4 (ii) children;
- 5 (iii) adolescents;
- 6 (iv) young adults who are between 18
- 7 years of age and 25 years of age;
- 8 (v) pregnant, post-natal, or
- 9 breastfeeding people;
- 10 (vi) people who have preexisting med-
- 11 ical conditions or take medications that
- 12 can make them more susceptible to heat or
- 13 cold;
- 14 (vii) people who work or labor at sites
- 15 having conditions hazardous to human
- 16 health;
- 17 (viii) people who have a disability that
- 18 makes them especially susceptible to envi-
- 19 ronmental stressors or less able to mitigate
- 20 exposure to environmental stressors;
- 21 (ix) people who have been substan-
- 22 tially and cumulatively exposed to environ-
- 23 mental stressors on account of the dura-
- 24 tion of their sentence; and

1 (x) people who are not yet acclimated  
2 to environmental stressors that are com-  
3 monly experienced during incarceration, in-  
4 cluding those who have been incarcerated  
5 for less than 1 year from the date of in-  
6 take.

7 **SEC. 4. IMPROVING ENVIRONMENTAL MONITORING AND**  
8 **REPORTING AT FEDERAL CARCERAL FACILI-**  
9 **TIES.**

10 (a) DATA.—

11 (1) IN GENERAL.—Not later than 2 years after  
12 the date of enactment of this Act, and annually  
13 thereafter, the Director, the Director of the United  
14 States Marshals Service, the Director of U.S. Immi-  
15 gration and Customs Enforcement, and the Director  
16 of the Bureau of Indian Affairs, in coordination with  
17 the Administrator of the Environmental Protection  
18 Agency, shall make publicly available, including on a  
19 publicly accessible website, data on the prevalence  
20 of, and exposure to, environmental stressors at Fed-  
21 eral carceral facilities, including—

22 (A) the ambient air quality of outdoor rec-  
23 reational space and how levels of carbon mon-  
24 oxide, lead, nitrogen oxides, ground-level ozone,  
25 particulate matter, and sulfur dioxide compare

1 to the National Ambient Air Quality Standards  
2 of the Environmental Protection Agency;

3 (B) the indoor air quality of spaces in  
4 which incarcerated people are held or to which  
5 incarcerated people have access;

6 (C) how the indoor air quality of spaces  
7 described in subparagraph (B) compares to—

8 (i) thresholds defined by the Air Qual-  
9 ity Index; and

10 (ii) action levels issued by the Envi-  
11 ronmental Protection Agency, including the  
12 radon action level;

13 (D) how the indoor air quality infrastruc-  
14 ture compares to standards promulgated and  
15 guidance issued by the Occupational Safety and  
16 Health Administration and the American Soci-  
17 ety of Heating, Refrigerating and Air-Conditi-  
18 oning Engineers;

19 (E) the presence of asbestos;

20 (F) the quality of water that incarcerated  
21 people receive to drink, use for sanitary pur-  
22 poses, or otherwise consume relative to—

23 (i) primary drinking water regulations  
24 or secondary drinking water regulations  
25 (as those terms are defined in section 1401

1 of the Safe Drinking Water Act (42 U.S.C.  
2 300f)); and

3 (ii) the regulatory standards set by  
4 the State or Tribal agency that has juris-  
5 diction over the facility;

6 (G) the mean and range of temperatures  
7 and heat stress indices, taking into account hu-  
8 midity, to which incarcerated people are ex-  
9 posed in different seasons;

10 (H) the presence of pests, mold, and com-  
11 municable diseases;

12 (I) access to natural light, light levels con-  
13 ducive to sleep, and green space;

14 (J) the quality of the diets of incarcerated  
15 people relative to the Dietary Guidelines for  
16 Americans published by the Department of  
17 Health and Human Services and the Depart-  
18 ment of Agriculture;

19 (K) the levels of noise in areas where in-  
20 carcerated people spend or are required to  
21 spend significant amounts of time; and

22 (L) how the noise levels described in sub-  
23 paragraph (K) compare to guidance issued by  
24 the Centers for Disease Control and the Occu-  
25 pational Safety and Health Administration.

1           (2) DATA PRINCIPLES.—The Director, the Di-  
2           rector of the United States Marshals Service, the  
3           Director of U.S. Immigration and Customs Enforce-  
4           ment, and the Director of the Bureau of Indian Af-  
5           fairs shall ensure that the data published under  
6           paragraph (1)—

7                   (A) reflect conditions at the point of use or  
8                   exposure of incarcerated people;

9                   (B) abide by the principles of findability,  
10                  accessibility, interoperability, and reusability, as  
11                  commonly defined in scientific literature;

12                  (C) are timely and freely available;

13                  (D) are published in a machine-readable  
14                  file format, to support academic research, jour-  
15                  nalistic investigation, and advocacy;

16                  (E) to the extent practicable, are provided  
17                  in a format and are accompanied by informa-  
18                  tion, such as the number of incarcerated people  
19                  at the facility and capacity of the facility, that  
20                  facilitates use by the judicial system in deter-  
21                  mining sentencing and eligibility for incarcer-  
22                  ation diversion programs;

23                  (F) to the extent practicable, while main-  
24                  taining anonymity, are disaggregated by facil-  
25                  ity, State, location, race, ethnicity, immigration

1 status, native language, sexual orientation, sex,  
2 gender, educational achievement, age, disability  
3 status, pregnancy status, duration of sentence,  
4 previous incarceration history, and category of  
5 the criminal charge against the person;

6 (G) to the extent practicable, are  
7 disaggregated to levels that track exposure at  
8 the level of discrete individuals, ensuring that  
9 personally identifiable information is removed;  
10 and

11 (H) to the extent practicable, include infor-  
12 mation on economic cost and years of life lost  
13 associated with the cumulative exposure of in-  
14 carcerated people and carceral facility staff to  
15 environmental stressors at Federal carceral fa-  
16 cilities.

17 (b) ADVISORY PANEL.—

18 (1) ESTABLISHMENT.—Not later than 1 year  
19 after the date of enactment of this Act, the Director,  
20 in coordination with the Director of the United  
21 States Marshals Service, the Director of U.S. Immi-  
22 gration and Customs Enforcement, and the Director  
23 of the Bureau of Indian Affairs, in consultation with  
24 the Administrator of the Environmental Protection

1 Agency, shall establish and provide resources for an  
2 independent advisory panel authorized to—

3 (A) conduct research on environmental  
4 health at all Federal carceral facilities;

5 (B) provide recommendations to increase  
6 monitoring of environmental stressors at all  
7 Federal carceral facilities;

8 (C) provide recommendations for policy  
9 interventions to mitigate and adapt to environ-  
10 mental health threats at all Federal carceral fa-  
11 cilities;

12 (D) advise on which environmental  
13 stressors arise from factors within Federal  
14 carceral facilities and which environmental  
15 stressors arise from factors external to Federal  
16 carceral facilities, and advise on interagency  
17 collaborations to mitigate these external factors;  
18 and

19 (E) advise on any emergency management  
20 protocols established to respond to environ-  
21 mental health threats at facilities.

22 (2) MEMBERS.—The advisory panel established  
23 under paragraph (1) shall be comprised of public  
24 health researchers and experts, currently and for-  
25 merly incarcerated people, people currently and for-



1       merly incarcerated in juvenile justice systems,  
2       carceral facility staff, carceral facility staff union  
3       leaders, organizations that seek to improve the envi-  
4       ronmental health of incarcerated people and people  
5       incarcerated in juvenile justice systems, and commu-  
6       nity-based organizations that represent currently  
7       and formerly incarcerated people.

8       (c) REPORT.—Not later than 3 years after the date  
9       of enactment of this Act, and every 5 years thereafter,  
10      the Director, in coordination with the Director of the  
11      United States Marshals Service, the Director of U.S. Im-  
12      migration and Customs Enforcement, and the Director of  
13      the Bureau of Indian Affairs, shall submit to the appro-  
14      priate congressional committees and make publicly avail-  
15      able a report detailing, for each Federal carceral facility—

16           (1) applicable recommendations described in  
17           subsection (b);

18           (2) the prevalence and quantitative measure-  
19           ments of the environmental stressors described in  
20           section 4(a)(1); and

21           (3) compiled narratives or qualitative data pro-  
22           vided by incarcerated people, formerly incarcerated  
23           people who were released from custody not more  
24           than 5 years before the date on which the report is

1 submitted, and carceral facility staff on environ-  
2 mental health conditions.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated such sums as are nec-  
5 essary to carry out the monitoring and data reporting re-  
6 quirements under this section.

7 **SEC. 5. COMMUNICATING HEALTH INFORMATION AND OP-**  
8 **TIONS.**

9 (a) BUREAU OF PRISONS.—Not later than 2 years  
10 after the date of enactment of this Act, the Attorney Gen-  
11 eral, acting through the Director, shall conduct assess-  
12 ments of existing data and establish regulations that en-  
13 sure that incarcerated people and carceral facility staff in  
14 each Federal carceral facility under the jurisdiction of the  
15 Bureau of Prisons receive, upon intake or commencement  
16 of employment, and annually thereafter, oral and written  
17 comprehensible information on—

18 (1) the prevalence and quantitative measure-  
19 ments of environmental stressors in the respective  
20 Federal carceral facility, including the data made  
21 available under section 4(a)(1);

22 (2) the risk of exposure to environmental  
23 stressors known to present a threat to environmental  
24 health in the respective Federal carceral facility to—

25 (A) the general incarcerated population;

1 (B) vulnerable populations within the gen-  
2 eral incarcerated population; and

3 (C) carceral facility staff;

4 (3) measures being undertaken by the Director  
5 to mitigate or adapt to environmental stressors  
6 known to present a threat to environmental health  
7 in the respective Federal carceral facility; and

8 (4) a complete list of options and protective  
9 measures available to incarcerated people and  
10 carceral facility staff to address the risk of harm  
11 from exposure to environmental stressors known to  
12 present a threat to environmental health in the re-  
13 spective Federal carceral facility, including—

14 (A) associated costs and lower-cost or cost-  
15 free alternatives; and

16 (B) instructions on how incarcerated peo-  
17 ple and carceral facility staff can avail them-  
18 selves of these options.

19 (b) OTHER FEDERAL CARCERAL FACILITIES.—Not  
20 later than 5 years after the date of enactment of this Act,  
21 the Director of the United States Marshals Service, the  
22 Director of U.S. Immigration and Customs Enforcement,  
23 and the Director of the Bureau of Indian Affairs shall con-  
24 duct assessments of existing data and establish regula-  
25 tions substantially similar to the regulations established

1 under subsection (a) for each Federal carceral facility  
2 under their respective jurisdictions.

3 (c) CAUSE OF ACTION.—Notwithstanding section 7  
4 of the Civil Rights of Institutionalized Persons Act (42  
5 U.S.C. 1997e), any incarcerated person or carceral facility  
6 staff aggrieved by a violation of the information commu-  
7 nication requirements under subsection (a) or (b) may  
8 bring an action under this subsection against the relevant  
9 Federal agency in the district court of the United States  
10 for the district containing the facility at which the viola-  
11 tion is alleged to have occurred for the relief available  
12 under subsection (d).

13 (d) RELIEF.—Relief for a person prevailing in an ac-  
14 tion brought under subsection (c) may include—

15 (1) mandatory injunctive relief to provide such  
16 information as required under subsection (a) or (b);

17 (2) damages for adverse health outcomes result-  
18 ing from the withholding of information on environ-  
19 mental health conditions required under subsection  
20 (a) or (b); and

21 (3) compensation for litigation costs, filing fees,  
22 expert witness fees, and reasonable attorneys' fees.

23 (e) PUBLICATION OF INFORMATION.—

24 (1) BUREAU OF PRISONS.—Not later than 60  
25 days after information is first provided to the rel-

1        evant incarcerated people and carceral facility staff  
2        pursuant to the regulations promulgated under sub-  
3        section (a), the Director shall make that information  
4        and any associated material available on a publicly  
5        accessible website.

6            (2) OTHER FEDERAL CARCERAL FACILITIES.—  
7        Not later than 180 days after information is first  
8        provided to the relevant incarcerated people and  
9        carceral facility staff pursuant to the regulations  
10       promulgated under subsection (b), the director of  
11       the agency that the carceral facility is operated by,  
12       affiliated with, or under contract with shall make  
13       that information and any associated material pub-  
14       licly available.

15        (f) STATE GUIDANCE.—Beginning in the fifth fiscal  
16       year following the date of enactment of this Act, and in  
17       each fiscal year thereafter, for each State that receives a  
18       grant under subpart 1 of part E of title I of the Omnibus  
19       Crime Control and Safe Streets Act of 1968 (34 U.S.C.  
20       10151 et seq.) that does not have in effect throughout the  
21       State for the fiscal year laws, regulations, or guidance that  
22       mandate substantially similar requirements to the require-  
23       ments under subsection (a), the Attorney General shall en-  
24       sure that 25 percent of the grant funding that would oth-  
25       erwise be allocated to the State under such subpart shall

1 be set aside for use to remediate environmental health  
2 threats in carceral facilities in the State.

3 **SEC. 6. NATIONAL ENVIRONMENTAL POLICY ACT CONSID-**  
4 **ERATIONS.**

5 (a) USE OF DATA.—Not later than 5 years after the  
6 date of enactment of this Act, the Attorney General, the  
7 Secretary of Homeland Security, and the Secretary of the  
8 Interior, in consultation with the Administrator of the En-  
9 vironmental Protection Agency, the Council on Environ-  
10 mental Quality, and the National Environmental Justice  
11 Advisory Council, after taking into consideration rec-  
12 ommendations from the advisory panel and data reported  
13 pursuant to section 4, shall review and update procedures  
14 relating to the implementation of the National Environ-  
15 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with  
16 respect to major Federal actions carried out at Federal  
17 carceral facilities.

18 (b) REPORT.—Not later than 5 years after the date  
19 of enactment of this Act, the Attorney General, in coordi-  
20 nation with the Secretary of Homeland Security and the  
21 Secretary of the Interior, shall submit a report to the ap-  
22 propriate congressional committees detailing how the  
23 agencies' procedures relating to the implementation of the  
24 National Environmental Policy Act of 1969 (42 U.S.C.  
25 4321 et seq.) with respect to major Federal actions carried

1 out at Federal carceral facilities have been updated pursu-  
2 ant to subsection (a).

3 (c) CONTENT OF ENVIRONMENTAL IMPACT STATE-  
4 MENTS.—

5 (1) ENVIRONMENTAL JUSTICE ANALYSIS.—An  
6 environmental impact statement prepared for a pro-  
7 posed agency action relating to Federal carceral fa-  
8 cilities completed pursuant to section 102(2)(C) of  
9 the National Environmental Policy Act of 1969 (42  
10 U.S.C. 4332(2)(C)) shall include an analysis of the  
11 direct, indirect, and cumulative environmental im-  
12 pacts of the proposed action on communities with  
13 environmental justice concerns, including both sur-  
14 rounding communities and populations of incarcer-  
15 ated people and carceral facility staff within the rel-  
16 evant facility.

17 (2) ALTERNATIVES TO INCARCERATION.—An  
18 environmental impact statement prepared for a pro-  
19 posed agency action relating to new construction or  
20 expansion of Federal carceral facilities completed  
21 pursuant to section 102(2)(C) of the National Envi-  
22 ronmental Policy Act of 1969 (42 U.S.C.  
23 4332(2)(C)) shall include, as part of the analysis of  
24 reasonable alternatives required pursuant to that  
25 section, analyses regarding decarceration, diversion,

1       compassionate release, and other programs designed  
2       to reduce the size of the incarcerated population.

3       (d) ACCESS TO DOCUMENTATION.—All draft and  
4 final environmental assessments, findings of no significant  
5 impact, categorical exclusion determinations, environ-  
6 mental impact statements, and supporting documentation,  
7 including Federal Register notices shall also be made read-  
8 ily and freely accessible to incarcerated people at, or who  
9 are foreseeably likely to be transferred to, facilities im-  
10 pacted by the applicable major Federal action, by  
11 proactively providing incarcerated people and carceral fa-  
12 cility staff with opportunities to access and study physical  
13 or digital copies of the documents.

14       (e) OPPORTUNITY FOR COMMENT.—All incarcerated  
15 people and carceral facility staff at, or who are foreseeably  
16 likely to be transferred to or employed at, facilities im-  
17 pacted by a major Federal action that is subject to the  
18 National Environmental Policy Act of 1969 (42 U.S.C.  
19 4321 et seq.) shall be given the opportunity to participate  
20 in the scoping and public review process for an environ-  
21 mental impact statement by being given access to re-  
22 sources to study the environmental impact statement and  
23 submit public comments.

24       (f) INCLUSION IN AGENCY RECORD OF DECISION.—  
25 The relevant Federal agency shall include in its record of



1 decision or finding of no significant impact, as applicable,  
2 prepared for any review process subject to the National  
3 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
4 seq.) a summary of how the feedback from incarcerated  
5 people and carceral facility staff pursuant to subsection  
6 (e) was factored into the agency's decision-making pro-  
7 cess.

8 **SEC. 7. PROCUREMENT LANGUAGE.**

9 Not later than 180 days after the date of enactment  
10 of this Act, the Director, the Director of the United States  
11 Marshals Service, the Director of U.S. Immigration and  
12 Customs Enforcement, and the Director of the Bureau of  
13 Indian Affairs, in coordination with the Administrator of  
14 the General Services Administration, shall implement pro-  
15 curement language that gives preference to contractors  
16 and vendors that, for any given contract, demonstrate that  
17 any infrastructure installation in a Federal carceral facil-  
18 ity as a result of new construction, maintenance, a retrofit,  
19 a repair, or rehabilitation of the Federal carceral facility  
20 aids in improving the environmental health of incarcerated  
21 people and carceral facility staff.

22 **SEC. 8. CREATING MODEL PROGRAMS FOR ENVIRON-**  
23 **MENTAL HEALTH IMPROVEMENTS.**

24 (a) FEASIBILITY STUDIES.—

1           (1) IN GENERAL.—Not later than 2 years after  
2 the date of enactment of this Act, the Director, in  
3 coordination with the Director of the United States  
4 Marshals Service, the Director of U.S. Immigration  
5 and Customs Enforcement, and the Director of the  
6 Bureau of Indian Affairs, in consultation with the  
7 advisory panel established under section 4(b), shall  
8 conduct and make publicly available feasibility stud-  
9 ies to investigate the potential environmental health  
10 benefits of improvements to carceral facilities for in-  
11 carcerated people, carceral facility staff, and resi-  
12 dents of surrounding communities.

13           (2) SCOPE OF STUDIES.—The studies con-  
14 ducted pursuant to paragraph (1) shall investigate  
15 not fewer than 10 Federal carceral facilities that  
16 have a variety of security levels and in total hold not  
17 fewer than 5,000 incarcerated people.

18           (3) CONSULTATION.—In conducting the feasi-  
19 bility studies required under paragraph (1), the Di-  
20 rector shall consult with the advisory panel estab-  
21 lished under section 4(b), the Administrator of the  
22 Environmental Protection Agency, the Secretary of  
23 Energy, the Secretary of Labor, and the heads of  
24 other relevant Federal agencies.

1           (4) FACILITIES.—At least one facility under the  
2 jurisdiction of each of the Bureau of Prisons, the  
3 United States Marshals Service, U.S. Immigration  
4 and Customs Enforcement, and the Bureau of In-  
5 dian Affairs shall be the subject of a feasibility study  
6 required under paragraph (1).

7           (5) SUBJECTS.—The feasibility studies required  
8 under paragraph (1) shall study the costs, security  
9 considerations, and anticipated health benefits of de-  
10 creasing the size of the incarcerated population, up-  
11 dating, installing, or retrofitting infrastructure in  
12 Federal carceral facilities and establishing, sup-  
13 porting, or expanding programs in order to minimize  
14 exposure or increase resiliency to environmental  
15 stressors at the point of use or exposure to such  
16 stressors, including factors such as—

17                   (A) air quality, ventilation, heating, insula-  
18                   tion, air conditioning, shade, and air filtration;

19                   (B) fire safety;

20                   (C) water treatment, filtration, and soft-  
21                   ening;

22                   (D) asbestos abatement;

23                   (E) pest, mold, and communicable disease  
24                   abatement;

25                   (F) natural light;

1 (G) noise pollution;

2 (H) waste management;

3 (I) opportunities for exercise available to  
4 incarcerated people;

5 (J) green space, including gardens, indoor  
6 plants, and other healthy vegetation visible to  
7 incarcerated people; and

8 (K) organic farming, hydroponics, green-  
9 houses, and other methods of producing nutri-  
10 tious foods at or near Federal carceral facilities  
11 consumed by incarcerated people within the fa-  
12 cility.

13 (b) PRIORITIZATION.—In selecting Federal carceral  
14 facilities on which to focus the studies conducted under  
15 subsection (a)(1), the Director, in coordination with the  
16 Director of the United States Marshals Service, the Direc-  
17 tor of U.S. Immigration and Customs Enforcement, and  
18 the Director of the Bureau of Indian Affairs, shall  
19 prioritize Federal carceral facilities based on—

20 (1) the size of the vulnerable population at the  
21 Federal carceral facility;

22 (2) the known prevalence of environmental  
23 stressors at the Federal carceral facility;

1           (3) the degree to which studies would fill data  
2           gaps in environmental health at the Federal carceral  
3           facility;

4           (4) the proximity of the Federal carceral facility  
5           to sources of pollution, such as landfills, factories,  
6           and Superfund sites; and

7           (5) the age of the environmental health infra-  
8           structure of the Federal carceral facility.

9           (c) FEEDBACK.—The Director, in coordination with  
10          the Director of the United States Marshals Service, the  
11          Director of U.S. Immigration and Customs Enforcement,  
12          and the Director of the Bureau of Indian Affairs, shall  
13          solicit feedback on the feasibility studies conducted under  
14          subsection (a)(1) by—

15                 (1) establishing a forum for public comment  
16                 that enables feedback from stakeholders, including—

17                         (A) incarcerated people and formerly incar-  
18                         cerated people;

19                         (B) Federal carceral facility staff;

20                         (C) family and friends of incarcerated peo-  
21                         ple;

22                         (D) contractors of Federal carceral facili-  
23                         ties;

24                         (E) relevant community-based organiza-  
25                         tions;

- 1 (F) relevant organizations;
- 2 (G) healthcare providers; and
- 3 (H) public health researchers; and

4 (2) soliciting the opinion of the advisory panel  
5 established under section 4(b).

6 (d) FACILITY IMPROVEMENTS.—

7 (1) IN GENERAL.—Not later than 1 year after  
8 the date on which the Director makes the feasibility  
9 studies conducted pursuant to subsection (a)(1) pub-  
10 licly available, the Director, in coordination with the  
11 Director of the United States Marshals Service, the  
12 Director of U.S. Immigration and Customs Enforce-  
13 ment, and the Director of the Bureau of Indian Af-  
14 fairs, in consultation with the advisory panel estab-  
15 lished under section 4(b), shall make improvements  
16 to the environmental health of incarcerated people  
17 and carceral facility staff at not fewer than 5 of the  
18 Federal carceral facilities that were the subject of  
19 feasibility studies by decreasing the size of the incar-  
20 cerated population, updating, installing, or retro-  
21 fitting infrastructure in the facilities, or establishing,  
22 supporting, or expanding programs pursuant to  
23 paragraph (3).

24 (2) CONSIDERATIONS.—In carrying out para-  
25 graph (1), the Director, in coordination with the Di-

1 rector of the United States Marshals Service, the  
2 Director of U.S. Immigration and Customs Enforce-  
3 ment, and the Director of the Bureau of Indian Af-  
4 fairs, shall take into account—

5 (A) the feasibility studies conducted under  
6 subsection (a)(1); and

7 (B) the feedback received pursuant to sub-  
8 section (c).

9 (3) SCOPE OF IMPROVEMENTS.—In carrying  
10 out paragraph (1), funds may only be used to—

11 (A) improve infrastructure in carceral fa-  
12 cilities relating to air quality, ventilation, tem-  
13 perature, water quality, water treatment, waste  
14 management, noise pollution, and light pollu-  
15 tion;

16 (B) increase the access of incarcerated  
17 people and carceral facility staff to natural light  
18 and green space;

19 (C) establish, support, or expand opportu-  
20 nities for incarcerated people to grow or raise  
21 nutritious and culturally relevant food through  
22 organic farming, hydroponics, or greenhouses to  
23 be consumed by incarcerated people within the  
24 carceral facility at which the food is grown;

1 (D) improve the nutrition of meals served  
2 to incarcerated people, including when feasible  
3 by serving fresh fruits and vegetables at no ad-  
4 ditional charge;

5 (E) improve the occupational health and  
6 safety of incarcerated people by providing per-  
7 sonal protective equipment and establishing  
8 safer work opportunities;

9 (F) educate incarcerated people and  
10 carceral facility staff on strategies and options  
11 to minimize exposure to environmental stressors  
12 and otherwise safeguard or improve environ-  
13 mental health;

14 (G) train carceral facility staff to recognize  
15 signs of illness relating to environmental health  
16 and appropriately intervene to mitigate the en-  
17 vironmental stressors causing such illnesses;

18 (H) establish, support, or expand pretrial  
19 diversion, reentry, compassionate release, and  
20 other programs that provide an alternative to  
21 incarceration, especially for vulnerable popu-  
22 lations;

23 (I) improve access to quality medical care  
24 from non-profit providers for incarcerated peo-  
25 ple and carceral facility staff, including physical



1 and mental health care, ensure medical per-  
2 sonnel in carceral facilities are adequately  
3 trained to detect and treat illnesses related to  
4 environmental health, and facilitate the transfer  
5 of health records to community providers as  
6 people exit the criminal justice system to facili-  
7 tate continuity of care; and

8 (J) purchase items that could be used to  
9 rapidly mitigate exposure to environmental  
10 health stressors in times of an emergency with-  
11 out additional cost to incarcerated people and  
12 carceral facility staff, such as clothing, blan-  
13 kets, bottled water, fans, and air filters.

14 (4) COMPENSATION OF COMMUNITY BASED OR-  
15 GANIZATIONS.—Funds may be used to compensate  
16 community based organizations and other non-profit  
17 organizations that support or further the improve-  
18 ments and programs listed under paragraph (3).

19 (5) RESTRICTION.—In carrying out this sub-  
20 section—

21 (A) funds may not be used to carry out in-  
22 frastructure improvements or actions that in-  
23 crease the capacity of Federal carceral facilities  
24 to hold additional incarcerated people;

1 (B) funds may not be used to pay carceral  
2 facility staff; and

3 (C) not more than 5 percent of the funds  
4 appropriated pursuant to subsection (e) may be  
5 used for the purposes of carrying out subpara-  
6 graphs (I) or (J) of paragraph (3).

7 (6) COMPLETION DATE.—The programs estab-  
8 lished under paragraph (1) shall be completed not  
9 later than 5 years after the feasibility studies con-  
10 ducted under subsection (a)(1) are made publicly  
11 available pursuant to such subsection.

12 (7) PARTICIPATION.—To the extent practicable,  
13 including through reevaluation of policies that re-  
14 strict the access of incarcerated people to tools or re-  
15 strict the time incarcerated people spend outside of  
16 cells at carceral facilities, the Director shall provide  
17 opportunities for incarcerated people to actively par-  
18 ticipate in the improvements described in paragraph  
19 (1).

20 (8) REPORT.—Not later than 1 year after the  
21 completion of the programs established under para-  
22 graph (1), the Director, in coordination with the Di-  
23 rector of the U.S. Marshals Service, the Director of  
24 U.S. Immigration and Customs Enforcement, and  
25 the Director of the Bureau of Indian Affairs, shall

1 submit to the appropriate congressional committees  
2 a report detailing the outcomes of the programs es-  
3 tablished, supported, or expanded under paragraph  
4 (1), including—

5 (A) quantitative indicators of the success  
6 of the programs at improving the environmental  
7 health of incarcerated people and carceral facil-  
8 ity staff, including, when feasible, data  
9 disaggregated by race, ethnicity, sex, gender,  
10 primary language, age, disability status, sexu-  
11 ality, and, in the case of an incarcerated per-  
12 son, the category of the criminal charge against  
13 the person;

14 (B) relevant quantitative and qualitative  
15 evaluations of incarcerated people and carceral  
16 facility staff on the perceived impact of the pro-  
17 gram; and

18 (C) strategies to replicate the programs at  
19 other Federal carceral facilities.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this section  
22 \$10,000,000 for each of fiscal years 2025 through 2029.

1 **SEC. 9. GRANT PROGRAM TO IMPROVE ENVIRONMENTAL**  
2 **HEALTH OUTCOMES FOR PEOPLE IN STATE,**  
3 **LOCAL, AND TRIBAL CARCERAL FACILITIES.**

4 (a) DEFINITIONS.—In this section:

5 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
6 ty” means—

7 (A) a State government;

8 (B) a local government; or

9 (C) a federally recognized Tribal govern-  
10 ment.

11 (2) PROGRAM.—The term “Program” means  
12 the Environmental Health for Incarcerated People  
13 Grant Program established under subsection (b).

14 (3) STATE.—The term “State” means any  
15 State of the United States, the District of Columbia,  
16 the Commonwealth of Puerto Rico, the Virgin Is-  
17 lands, Guam, American Samoa, and the Common-  
18 wealth of the Northern Mariana Islands.

19 (b) ESTABLISHMENT.—There is established within  
20 the Office of Environmental Justice and External Civil  
21 Rights of the Environmental Protection Agency the Envi-  
22 ronmental Health for Incarcerated People Grant Program.

23 (c) AWARDS.—Not later than 1 year after the date  
24 of enactment of this Act, the Administrator of the Envi-  
25 ronmental Protection Agency, acting through the Assist-  
26 ant Administrator of the Office of Environmental Justice

1 and External Civil Rights, shall award grants under the  
2 Program to eligible entities for the purpose of decreasing  
3 the size of the incarcerated population, updating, install-  
4 ing, or retrofitting infrastructure, or establishing, sup-  
5 porting, or expanding programs in State, local, and Tribal  
6 carceral facilities to improve environmental health out-  
7 comes for incarcerated people and carceral facility staff  
8 pursuant to subsection (g).

9 (d) APPLICATIONS.—An eligible entity seeking a  
10 grant under the Program shall submit to the Office of En-  
11 vironmental Justice and External Civil Rights an applica-  
12 tion at such time, in such manner, and containing such  
13 information as the Assistant Administrator of the Office  
14 of Environmental Justice and External Civil Rights may  
15 require.

16 (e) CONSULTATION.—In awarding grants under the  
17 Program, the Assistant Administrator of the Office of En-  
18 vironmental Justice and External Civil Rights shall con-  
19 sult stakeholders, such as—

20 (1) relevant community-based organizations,  
21 such as organizations that represent incarcerated  
22 and formerly incarcerated people including people  
23 currently and formerly incarcerated in juvenile se-  
24 cure facilities and civil commitment facilities, and  
25 organizations that seek to improve environmental

1 health outcomes for incarcerated people and carceral  
2 facility staff;

3 (2) environmental and public health researchers  
4 and policy experts; and

5 (3) relevant advocacy organizations.

6 (f) PRIORITY.—In awarding grants under the Pro-  
7 gram, the Assistant Administrator of the Office of Envi-  
8 ronmental Justice and External Civil Rights shall  
9 prioritize eligible entities based on—

10 (1) the size of the vulnerable population incar-  
11 cerated under the jurisdiction of the eligible entity;

12 (2) the known prevalence of environmental  
13 stressors in or near carceral facilities under the ju-  
14 risdiction of the eligible entity;

15 (3) the degree to which grants would fill gaps  
16 in data on environmental health variables described  
17 in subsection (g) at State, local, and Tribal carceral  
18 facilities;

19 (4) the proximity of carceral facilities under the  
20 jurisdiction of the eligible entity to sources of pollu-  
21 tion, such as landfills, factories, and Superfund  
22 sites; and

23 (5) the extent to which the eligible entity has  
24 demonstrated a commitment to improving the envi-

1       ronmental health of incarcerated people, including  
2       by making—

3               (A) prior investments in environmental  
4               health infrastructure at carceral facilities; and

5               (B) prior efforts to comply with court-or-  
6               dered schedules to meet environmental stand-  
7               ards at carceral facilities.

8       (g) USE OF FUNDS.—An eligible entity that receives  
9       a grant under the Program shall use amounts from the  
10      grant to decrease the size of the incarcerated population,  
11      update, install, or retrofit infrastructure, and establish,  
12      support, or expand programs that minimize environmental  
13      stressors at points of use or exposure of incarcerated peo-  
14      ple by—

15              (1) improving infrastructure in carceral facili-  
16              ties relating to air quality, ventilation, temperature,  
17              shade, water quality, water treatment, waste man-  
18              agement, noise pollution, or light pollution;

19              (2) increasing the access of incarcerated people  
20              and carceral facility staff to natural light and green  
21              space;

22              (3) establishing, supporting, or expanding op-  
23              portunities for incarcerated people to grow or raise  
24              nutritious and culturally relevant food through or-  
25              ganic farming, hydroponics, or greenhouses to be

1 consumed by incarcerated people within the carceral  
2 facility at which the food is grown;

3 (4) improving the nutrition of meals served to  
4 incarcerated people, including by serving fresh fruits  
5 and vegetables at no additional charge;

6 (5) improving the occupational health and safe-  
7 ty of incarcerated people by providing personal pro-  
8 tective equipment and establishing safer work oppor-  
9 tunities;

10 (6) educating incarcerated people and carceral  
11 facility staff on strategies and options to minimize  
12 exposure to environmental stressors and otherwise  
13 safeguard or improve environmental health;

14 (7) training carceral facility staff to recognize  
15 signs of illness relating to environmental health and  
16 appropriately intervene to mitigate the environ-  
17 mental stressors causing such illnesses;

18 (8) establishing, supporting, or expanding pre-  
19 trial diversion, reentry, compassionate release, and  
20 other programs that provide an alternative to incar-  
21 ceration, especially for vulnerable populations;

22 (9) improving access to quality medical care  
23 from non-profit providers for incarcerated people  
24 and carceral facility staff, including physical and  
25 mental health care, ensuring medical personnel in



1       carceral facilities are adequately trained to detect  
2       and treat illnesses related to environmental health,  
3       and facilitating the transfer of health records to  
4       community providers as people exit the criminal jus-  
5       tice system to facilitate continuity of care; or

6               (10) purchasing items that could be used to  
7       rapidly mitigate exposure to environmental health  
8       stressors in times of an emergency without addi-  
9       tional cost to incarcerated people and carceral facil-  
10      ity staff, such as clothing, blankets, bottled water,  
11      fans, and air filters.

12      (h) COMPENSATION OF COMMUNITY BASED ORGANI-  
13      ZATIONS.—An eligible entity that receives a grant under  
14      the Program may use amounts from the grant to com-  
15      pensate community based organizations and other non-  
16      profit organizations that support or further the improve-  
17      ments and programs pursuant to subsection (g).

18      (i) RESTRICTIONS.—In carrying out this sub-  
19      section—

20               (1) funds may not be used to carry out infra-  
21      structure improvements or actions that increase the  
22      capacity of carceral facilities to hold additional in-  
23      carcerated people;

24               (2) funds may not be used to pay carceral facil-  
25      ity staff; and

1           (3) an eligible entity may not use more than 5  
2           percent of amounts from a grant awarded under the  
3           Program to facilitate the aims pursuant to sub-  
4           section (g)(9) or purchase rapid response items pur-  
5           suant to subsection (g)(10).

6           (j) DURATION.—A grant awarded under the Program  
7           shall be for a 5-year period.

8           (k) DUTIES.—A State, local, or Tribal government  
9           that receives a grant under the Program shall—

10           (1) implement the program or initiative funded  
11           by the grant; and

12           (2) not later than 1 year after the date of the  
13           termination of the grant, report to the Attorney  
14           General outputs and outcomes of the program or ini-  
15           tiative described in paragraph (1), including infor-  
16           mation on—

17           (A) quantitative indicators of the success  
18           of the program or initiative at improving the  
19           environmental health of incarcerated people and  
20           carceral facility staff, including data  
21           disaggregated by race, ethnicity, sex, gender,  
22           primary language, age, disability status, sexu-  
23           ality, and, in the case of an incarcerated per-  
24           son, the category of the criminal charge against  
25           the person;

1           (B) relevant quantitative and qualitative  
2           evaluations of incarcerated people and carceral  
3           facility staff on the perceived impact of the pro-  
4           gram or initiative;

5           (C) strategies to sustain the program or  
6           initiative beyond the duration of the grant;

7           (D) emergency management protocols for  
8           responding to environmental health threats at  
9           carceral facilities under the jurisdiction of the  
10          grant recipient; and

11          (E) strategies to replicate the successful  
12          aspects of the program or initiative at other  
13          carceral facilities.

14          (l) REPORT.—Not later than 6 years after the date  
15          of enactment of this Act, the Administrator of the Envi-  
16          ronmental Protection Agency shall submit to the appro-  
17          priate congressional committees a report detailing the out-  
18          comes of grants awarded under the Program.

19          (m) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated to the Assistant Admin-  
21          istrator of the Office of Environmental Justice and Exter-  
22          nal Civil Rights to carry out this section \$50,000,000 for  
23          each of fiscal years 2025 through 2029.

24          (n) DISTRIBUTION OF FUNDS.—Not less than 15  
25          percent of funds appropriated under this section shall be

1 directed to support programs and initiatives that benefit  
2 Tribal carceral facilities.

3 **SEC. 10. REPORT ON MITIGATION AND ADAPTATION MEAS-**  
4 **URES.**

5 Not later than 2 years after the date of enactment  
6 of this Act, and every 5 years thereafter, the Director, in  
7 coordination with the Director of the United States Mar-  
8 shals Service, the Director of U.S. Immigration and Cus-  
9 toms Enforcement, and the Director of the Bureau of In-  
10 dian Affairs, shall submit to the appropriate congressional  
11 committees a report detailing—

12 (1) rapid-response and longer-term measures  
13 undertaken at Federal carceral facilities to—

14 (A) mitigate the exposure of incarcerated  
15 people and staff of Federal carceral facilities to  
16 ambient air pollutants;

17 (B) improve indoor air quality;

18 (C) improve water quality at point of use  
19 and increase access to safe water for incarcer-  
20 ated people and carceral facility staff;

21 (D) mitigate the exposure of incarcerated  
22 people and staff of Federal carceral facilities to  
23 extreme cold and heat;

1           (E) increase opportunities for incarcerated  
2 people and staff of Federal carceral facilities to  
3 access natural light and green space;

4           (F) ensure incarcerated people have access  
5 to a healthy, culturally relevant, and nutritious  
6 diet;

7           (G) abate asbestos, pests, mold, and com-  
8 municable diseases;

9           (H) improve the occupational health and  
10 safety of incarcerated laborers and carceral fa-  
11 cility staff; and

12           (I) improve access to quality medical care  
13 for incarcerated people and carceral facility  
14 staff, including physical and mental health care,  
15 and ensure medical personnel in carceral facili-  
16 ties are adequately trained to detect and treat  
17 illnesses related to environmental health;

18           (2) plans in place to mitigate or adapt to  
19 events, such as natural disasters or equipment fail-  
20 ure, that increase the exposure of incarcerated peo-  
21 ple and staff of Federal carceral facilities to environ-  
22 mental stressors;

23           (3) evaluations from incarcerated people de-  
24 scribing the extent to which the measures and plans  
25 described under paragraphs (1) and (2) are condu-

1 cive to improving or protecting the environmental  
2 health of vulnerable populations within Federal  
3 carceral facilities; and

4 (4) data limitations and monitoring constraints  
5 that inhibit the mitigation of or adaptation to envi-  
6 ronmental stressors at Federal carceral facilities.

7 **SEC. 11. PROHIBITION ON PENALIZATION OR RETALIATION.**

8 (a) DEFINITION.—In this section, the term “penal-  
9 ized or retaliated against” includes actions such as—

10 (1) being placed in solitary confinement;

11 (2) having employment terminated;

12 (3) being placed on employment leave;

13 (4) being assigned to unfavorable labor;

14 (5) being transferred to a different cell, cell-  
15 block, or facility;

16 (6) having privileges revoked; or

17 (7) being subjected to unequal enforcement of  
18 policies.

19 (b) FEDERAL CARCERAL FACILITIES.—A person in-  
20 carcerated at, or carceral facility staff employed at, a Fed-  
21 eral carceral facility may not be penalized or retaliated  
22 against for—

23 (1) requesting, responding to requests for, or  
24 volunteering information pursuant to this Act on en-  
25 vironmental health conditions in any Federal

1       carceral facility, including requesting information  
2       collected pursuant to section 4, serving on or com-  
3       municating with the advisory panel established  
4       under section 4, or providing evaluations for inclu-  
5       sion in the reports submitted under sections 4, 8,  
6       and 10; or

7               (2) filing an administrative complaint pursuant  
8       to subsection (f).

9       (c) STATE, LOCAL, AND TRIBAL CARCERAL FACILI-  
10       TIES.—A person incarcerated at, or carceral facility staff  
11       employed at, a carceral facility operated by, affiliated with,  
12       or operated under a contract with a State or federally rec-  
13       ognized Indian Tribe that has received funds from a grant  
14       under section 9 may not be penalized or retaliated against  
15       for—

16               (1) requesting, responding to requests for, or  
17       volunteering information on environmental health  
18       conditions in any State, local, or Tribal carceral fa-  
19       cility, including providing evaluations for inclusion in  
20       reports under section 9; or

21               (2) filing an administrative complaint pursuant  
22       to subsection (f).

23       (d) CAUSE OF ACTION.—Notwithstanding section 7  
24       of the Civil Rights of Institutionalized Persons Act (42  
25       U.S.C. 1997e), any person who alleges penalization or re-

1 taliation in violation of subsection (b) or (c) may bring  
2 an action under this subsection against the Federal, State,  
3 local, or Tribal government in the district court of the  
4 United States for the district in which the facility at which  
5 the violation is alleged to have occurred is located, for the  
6 relief available under subsection (e).

7 (e) RELIEF.—Relief for a person prevailing in an ac-  
8 tion brought under subsection (d) may include—

9 (1) mandatory or prohibitive injunctive relief to  
10 prevent or terminate any acts in violation of sub-  
11 section (b) or (c);

12 (2) damages for wages lost due to penalization  
13 or retribution in violation of subsection (b) or (c);  
14 and

15 (3) compensation for litigation costs, filing fees,  
16 expert witness fees, and reasonable attorneys' fees.

17 (f) ADMINISTRATIVE COMPLAINT.—Any incarcerated  
18 person or carceral facility staff who has been penalized  
19 or retaliated against in violation of subsection (b) or (c)  
20 may file an administrative complaint with the Attorney  
21 General, the status or outcome of which shall not alter  
22 a person's right to bring an action under subsection (d).

23 (g) FEDERAL VIOLATIONS.—Upon receiving an ad-  
24 ministrative complaint pursuant to subsection (f), the At-  
25 torney General, acting through the Director, may take dis-



1 ciplinary action against carceral facility staff who violate  
2 subsection (b).

3 (h) STATE, LOCAL, AND TRIBAL VIOLATIONS.—

4 (1) IN GENERAL.—Upon receiving an adminis-  
5 trative complaint pursuant to subsection (f), the Ad-  
6 ministrator of the Environmental Protection Agency,  
7 acting through the Assistant Administrator of the  
8 Office of Environmental Justice and External Civil  
9 Rights, may modify or revoke, after opportunity for  
10 a hearing, a grant awarded to an eligible entity pur-  
11 suant to section 9 upon finding a violation of sub-  
12 section (c).

13 (2) LIMITATION.—No such modification or rev-  
14 ocation may be made pursuant to paragraph (1)  
15 until the Assistant Administrator of the Office of  
16 Environmental Justice and External Civil Rights has  
17 advised the appropriate person or persons affiliated  
18 with the eligible entity of the violation and has de-  
19 termined that subsequent compliance cannot be se-  
20 cured by voluntary means.

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