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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To prevent discrimination and retaliation against incarcerated workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CLEAVER introduced the following bill; which was referred to the Committee on _____

A BILL

To prevent discrimination and retaliation against incarcerated workers, and for other purposes.

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 ''Combating Workplace Discrimination in Correctional Facilities Act of 2026''.

SEC. 2. ELIMINATION OF REQUIRED PARTICIPATION IN THE INMATE WORK PROGRAM.

(a) UNITED STATES CODE.—Section 4001(b) of title 18, United States Code, is amended by adding at the end the following:

''(3) The Attorney General may not require inmates to participate in a work program.''.

(b) CODE OF FEDERAL REGULATIONS.—The Attorney General shall amend sections 545.20 and 545.23 of title 28, Code of Federal Regulations, and any other regulations necessary, to comply with the amendment made in paragraph (1).

SEC. 3. ELIMINATION OF ADMINISTRATIVE EXHAUSTION REQUIREMENT.

(a) IN GENERAL.—Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)) is amended to read as follows:

''(a) ADMINISTRATIVE EXHAUSTION NOT REQUIRED.—A prisoner confined in any jail, prison, or other correctional facility may bring an action with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or another Federal law without regard to whether the prisoner has exhausted the administrative remedies that are available.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to any action that is filed on or after the date of enactment of this Act.

SEC. 4. LIMITATIONS ON RETALIATION AND DISCIPLINE FOR REFUSAL TO WORK.

(a) PROHIBITION OF RETALIATION FOR REFUSAL TO WORK.—Section 6 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997d) is amended—

(1) by striking ''No person'' and inserting ''(a) REPORTING VIOLATIONS.—No person''; and

(2) by adding at the end the following:

''(b) REFUSAL TO WORK.—No prisoner (as defined in section 7) shall be subjected to retaliation in any manner for refusal to work.''.

(b) LIMITATION ON DISCIPLINE.—

(1) UNITED STATES CODE.—Section 4042 of title 18, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following:

''(d) LIMITATION ON DISCIPLINE.—The Director of the Bureau of Prisons may not discipline a prisoner for refusing to work.''.

(2) CODE OF FEDERAL REGULATIONS.—The Attorney General shall amend sections 541.3 and 545.24(c) of title 28, Code of Federal Regulations, and any other regulations necessary, to comply with the amendment made in paragraph (1).

SEC. 5. NONDISCRIMINATION IN EMPLOYMENT AND PUBLIC SERVICES.

(a) CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended—

(A) in subsection (b), by inserting ''(including an entity that operates, directly or by contract, a correctional facility, with respect to employment of persons including incarcerated workers)'' after ''industry affecting commerce'';

(B) in subsection (f), by inserting ''(including an incarcerated worker)'' after ''an individual'' the first place it appears; and

(C) by adding at the end the following:

''(o) The term 'correctional facility' means a jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court.

''(p) In subsections (b) and (f), the term 'employ' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

''(q) The term 'incarcerated worker' means an individual, incarcerated or detained in a correctional facility operated by a public agency or by a private entity through a contract with a public agency, who performs labor offered or required by or through the correctional facility, including labor associated with prison work programs, work release programs, the UNICOR program, State prison industries, public works programs, restitution centers, and correctional facility operations and maintenance.''.

(2) EXCEPTION.—Section 703(a)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(a)(2)) is amended by inserting '', except that a correctional facility may segregate incarcerated workers into separate facilities by sex if necessary to maintain privacy or institutional order'' before the period.

(3) CONFORMING AMENDMENT.—Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) is amended by adding at the end the following: ''This section shall not apply to a Federal department, agency, or unit that operates, directly or by contract, a correctional facility, with respect to

employment of persons, including incarcerated workers.''.

(b) AMERICANS WITH DISABILITIES ACT OF 1990; REHABILITATION ACT OF 1973.—

(1) IN GENERAL.—Each agency that operates a correctional facility (directly or by contract with a private entity) shall—

(A) provide to each incarcerated worker notice of the worker's rights under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), with respect to the correctional facilities that the agency operates;

(B) implement policies and training to ensure compliance with the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973, with respect to those facilities;

(C) annually prepare a report that contains an evaluation of the agency's compliance with the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973, with respect to those facilities; and

(D) submit the report described in subparagraph (C) to the Attorney General, who shall make the report publicly available on the website of the Department of Justice.

(2) NONCOMPLIANCE.—The Attorney General shall determine, and implement, appropriate remedies for the failure of an agency covered by paragraph (1) to submit a report required by paragraph (1).

(3) DEFINITIONS.—In this section, the terms ''correctional facility'' and ''incarcerated worker'' have the meanings given those terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e), as amended by this Act.