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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To enhance coverage and oversight of occupational safety and health standards in correctional facilities, 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 enhance coverage and oversight of occupational safety and health standards in correctional facilities, 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 ''Correctional Facilities Occupational Safety and Health Act of 2026''.

SEC. 2. COVERAGE OF INCARCERATED WORKERS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

(a) DEFINITION OF CORRECTIONAL FACILITY.—Section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652) is amended by adding at the end the following:

''(15) The term 'correctional facility' has the meaning given the term in section 901(a) Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251(a)).''.

(b) STATE PLANS.—Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) is amended—

(1) in subsection (c)—

(A) in paragraph (6), by striking ''political subdivisions,'' and inserting ''political subdivisions and to all incarcerated workers,''; and

(B) in paragraph (7)—

(i) by striking ''(7) requires'' and inserting ''(7)(A) requires''; and

(ii) by adding at the end the following:

''(B) requires the State to ensure that any public agency of the State (or of a political subdivision of the State) operating a correctional facility or con-

tracting with a private entity to operate such a facility, shall, not later than 2 years after the date of enactment of the Correctional Facilities Occupational Safety and Health Act of 2026, and every year thereafter, submit to the Attorney General and Congress a report on—

''(i) the workplace safety and health conditions at each such facility, and

''(ii) any potential noncompliance of each such facility with the safety and health standards under the State plan, and''; and

(2) by adding at the end the following:

''(i) DEFINITION OF INCARCERATED WORKER.—In this section, the term 'incarcerated worker' means an individual, incarcerated or detained in a correctional facility operated by a public agency of a State or political subdivision of a State (or by a private entity through a contract with a State or political subdivision of a State), who performs work offered or required by or through the correctional facility, including work associated with prison work programs, work release programs, State prison industries, public works programs, restitution centers, correctional facility operations and maintenance, and private entities.''.

(c) FEDERAL PRISONS.—Section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668) is amended by adding at the end the following:

''(e) BUREAU OF PRISONS.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons shall—

''(A) ensure that the occupational safety and health program established and maintained by the Director under subsection (a) shall apply with respect to incarcerated workers in the same manner as the program applies to employees of the Bureau of Prisons; and

''(B) agree to submit, not later than 2 years after the date of enactment of the Correctional Facilities Occupational Safety and Health Act of 2026, and every year thereafter, to the Attorney General and Congress, a report on—

''(i) the workplace safety and health conditions at any correctional facility operated by the Bureau of Prisons or a private entity contracting with Bureau of Prisons;

''(ii) any injury or death of any employee or incarcerated worker while per-

forming labor with respect to such facility; and

''(iii) any potential noncompliance of any such facility of such occupational safety and health program.

''(2) DEFINITION OF INCARCERATED WORKER.—In this section, the term 'incarcerated worker' means an individual, incarcerated or detained in a correctional facility operated by the Bureau of Prisons (or by a private entity through a contract with the Bureau of Prisons), who performs work offered or required by or through the correctional facility, including work associated with prison work programs, work release programs, the UNICOR program, public works programs, restitution centers, correctional facility operations and maintenance, and private entities.''.

SEC. 3. INCENTIVES FOR STATES TO ENACT PROTECTIONS FOR INCARCERATED WORKERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended—

(1) in section 501 (34 U.S.C. 10152), by adding at the end the following:

''(i) ANNUAL REPORT ON WORKPLACE SAFETY AND HEALTH CONDITIONS.—Not later than 2 years after the date of enactment of the Correctional Facilities Occupational Safety and Health Act of 2026 and annually thereafter, any State or unit of local government that receives a grant under this section and operates a correctional facility or contracts with a private entity to operate a correctional facility shall submit to the Attorney General and Congress a report on—

''(1) the workplace safety and health conditions at each such correctional facility;

''(2) any injury or death of any employee or incarcerated worker while performing work with respect to any such correctional facility; and

''(3) any potential noncompliance of any such correctional facility with the occupational safety and health standards that apply to the correctional facility.'';

(2) in section 502 (34 U.S.C. 10153)—

(A) by striking ''(A) IN GENERAL'' and inserting ''(a) IN GENERAL''; and

(B) in subsection (a), by adding at the end the following:

''(7) A certification, to be verified by the Attorney General, in consultation with the Assistant Sec-

retary of Labor for Occupational Safety and Health, that—

''(A) the State or unit of local government—

''(i) has provided workplace safety and health protections for incarcerated workers in correctional facilities, either by legislative or executive action, that are at least as effective in providing safe and healthful employment and places of employment for incarcerated workers as the comprehensive occupational safety and health programs established by States under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667); or

''(ii) not later than the last day of the fiscal year following the fiscal year to which the application relates, will have provided the protections described in clause (i), with the limitation that a certification under this clause may only be submitted one time; and

''(B) an appropriate State or local agency monitors and enforces or will monitor or en-

force, as applicable, the safety and health protections described in subparagraph (A)(i).'';

(3) in section 506 (34 U.S.C. 10157), by adding at the end the following:

''(e) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General, in consultation with the Assistant Secretary of Labor for Occupational Safety and Health, shall reserve not less than $20,000,000 for use by States and units of local government to establish and implement workplace safety and health protections for incarcerated workers in correctional facilities.''; and

(4) in section 901(a) (34 U.S.C. 10251(a))—

(A) in paragraph (32), by striking ''and'' at the end;

(B) in paragraph (33), by striking the period at the end and adding ''; and''; and

(C) by adding after paragraph (33) the following:

''(34) the term 'incarcerated worker' means an individual, incarcerated or detained in a correctional facility operated by a State or a political subdivision of a State (or by a private entity through a contract with a State or political subdivision of a State), who performs work offered or required by or through the

correctional facility, including work associated with prison work programs, work release programs, State prison industries, public works programs, restitution centers, correctional facility operations and maintenance, and private entities.''.

SEC. 4. GRANTS TO ASSIST STATES IN COVERING INCARCERATED WORKERS.

(a) IN GENERAL.—The Secretary of Labor shall establish a grant program to award a grant to each State that submits an application satisfying the requirements under subsection (b) to assist the State in amending the occupational safety and health laws of the State to cover incarcerated workers and to enforce those laws as appropriate through inspections, investigations, citations, penalties, and other enforcement mechanisms.

(b) APPLICATIONS.—A State seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) DEFINITION OF INCARCERATED WORKER.—In this section, the term ''incarcerated worker'' has the meaning given such term in section 18(i) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(i)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section

$20,000,000 for each of fiscal years 2027 through 2032, to remain available until expended.