

118TH CONGRESS  
1ST SESSION

# H. R. 3220

To enhance coverage and oversight of occupational safety and health standards in correctional facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. CLEAVER (for himself, Ms. KAMLAGER-DOVE, Mr. GARCÍA of Illinois, Mr. CARTER of Louisiana, Ms. TLAIB, Ms. BROWN, Ms. NORTON, Ms. LEE of California, and Ms. JAYAPAL) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance coverage and oversight of occupational safety and health standards in correctional facilities, 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.**

4 This Act may be cited as the “Correctional Facilities  
5 Occupational Safety and Health Act of 2023”.

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

4 (a) DEFINITION OF CORRECTIONAL FACILITY.—Sec-  
5 tion 3 of the Occupational Safety and Health Act of 1970  
6 (29 U.S.C. 652) is amended by adding at the end the fol-  
7 lowing:

8 “(15) The term ‘correctional facility’ has the  
9 meaning given the term in section 901(a) Omnibus  
10 Crime Control and Safe Streets Act of 1968 (34  
11 U.S.C. 10251(a)).”.

12 (b) STATE PLANS.—Section 18 of the Occupational  
13 Safety and Health Act of 1970 (29 U.S.C. 667) is amend-  
14 ed—

15 (1) in subsection (c)—

16 (A) in paragraph (6), by striking “political  
17 subdivisions,” and inserting “political subdivi-  
18 sions and to all incarcerated workers,”; and

19 (B) in paragraph (7)—

20 (i) by striking “(7) requires” and in-  
21 serting “(7)(A) requires”; and

22 (ii) by adding at the end the fol-  
23 lowing:

24 “(B) requires the State to ensure that any pub-  
25 lic agency of the State (or of a political subdivision  
26 of the State) operating a correctional facility or con-

1       tracting with a private entity to operate such a facil-  
2       ity, shall, not later than 2 years after the date of en-  
3       actment of the Correctional Facilities Occupational  
4       Safety and Health Act of 2023, and every year  
5       thereafter, submit to the Attorney General and Con-  
6       gress a report on—

7               “(i) the workplace safety and health condi-  
8               tions at each such facility, and

9               “(ii) any potential noncompliance of each  
10              such facility with the safety and health stand-  
11              ards under the State plan, and”;

12             (2) by adding at the end the following:

13             “(i) DEFINITION OF INCARCERATED WORKER.—In  
14             this section, the term ‘incarcerated worker’ means an indi-  
15             vidual, incarcerated or detained in a correctional facility  
16             operated by a public agency of a State or political subdivi-  
17             sion of a State (or by a private entity through a contract  
18             with a State or political subdivision of a State), who per-  
19             forms work offered or required by or through the correc-  
20             tional facility, including work associated with prison work  
21             programs, work release programs, State prison industries,  
22             public works programs, restitution centers, correctional fa-  
23             cility operations and maintenance, and private entities.”.

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

4           “(e) BUREAU OF PRISONS.—

5                 “(1) IN GENERAL.—The Director of the Bureau  
6 of Prisons shall—

7                     “(A) ensure that the occupational safety  
8 and health program established and maintained  
9 by the Director under subsection (a) shall apply  
10 with respect to incarcerated workers in the  
11 same manner as the program applies to employ-  
12 ees of the Bureau of Prisons; and

13                     “(B) agree to submit, not later than 2  
14 years after the date of enactment of the Correc-  
15 tional Facilities Occupational Safety and  
16 Health Act of 2023, and every year thereafter,  
17 to the Attorney General and Congress, a report  
18 on—

19                         “(i) the workplace safety and health  
20 conditions at any correctional facility oper-  
21 ated by the Bureau of Prisons or a private  
22 entity contracting with Bureau of Prisons;

23                         “(ii) any injury or death of any em-  
24 ployee or incarcerated worker while per-

1 forming labor with respect to such facility;

2 and

3 “(iii) any potential noncompliance of  
4 any such facility of such occupational safe-  
5 ty and health program.

6 “(2) DEFINITION OF INCARCERATED WORK-  
7 ER.—In this section, the term ‘incarcerated worker’  
8 means an individual, incarcerated or detained in a  
9 correctional facility operated by the Bureau of Pris-  
10 ons (or by a private entity through a contract with  
11 the Bureau of Prisons), who performs work offered  
12 or required by or through the correctional facility,  
13 including work associated with prison work pro-  
14 grams, work release programs, the UNICOR pro-  
15 gram, public works programs, restitution centers,  
16 correctional facility operations and maintenance, and  
17 private entities.”.

18 **SEC. 3. INCENTIVES FOR STATES TO ENACT PROTECTIONS**

19 **FOR INCARCERATED WORKERS.**

20 Title I of the Omnibus Crime Control and Safe  
21 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amend-  
22 ed—

23 (1) in section 501 (34 U.S.C. 10152), by add-  
24 ing at the end the following:

1       “(i) ANNUAL REPORT ON WORKPLACE SAFETY AND  
2 HEALTH CONDITIONS.—Not later than 2 years after the  
3 date of enactment of the Correctional Facilities Occupa-  
4 tional Safety and Health Act of 2023 and annually there-  
5 after, any State or unit of local government that receives  
6 a grant under this section and operates a correctional fa-  
7 cility or contracts with a private entity to operate a correc-  
8 tional facility shall submit to the Attorney General and  
9 Congress a report on—

10           “(1) the workplace safety and health conditions  
11       at each such correctional facility;

12           “(2) any injury or death of any employee or in-  
13       carcerated worker while performing work with re-  
14       spect to any such correctional facility; and

15           “(3) any potential noncompliance of any such  
16       correctional facility with the occupational safety and  
17       health standards that apply to the correctional facil-  
18       ity.”;

19           (2) in section 502 (34 U.S.C. 10153)—

20           (A) by striking “(A) **In general**” and in-  
21       serting “(a) **In general**”; and

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

24           “(7) A certification, to be verified by the Attor-  
25       ney General, in consultation with the Assistant Sec-

1       retary of Labor for Occupational Safety and Health,  
2       that—

3               “(A) the State or unit of local govern-  
4       ment—

5                       “(i) has provided workplace safety  
6       and health protections for incarcerated  
7       workers in correctional facilities, either by  
8       legislative or executive action, that are at  
9       least as effective in providing safe and  
10      healthful employment and places of em-  
11      ployment for incarcerated workers as the  
12      comprehensive occupational safety and  
13      health programs established by States  
14      under section 18 of the Occupational Safe-  
15      ty and Health Act of 1970 (29 U.S.C.  
16      667); or

17                      “(ii) not later than the last day of the  
18      fiscal year following the fiscal year to  
19      which the application relates, will have pro-  
20      vided the protections described in clause  
21      (i), with the limitation that a certification  
22      under this clause may only be submitted  
23      one time; and

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

1 force, as applicable, the safety and health pro-  
2 tections described in subparagraph (A)(i).”;

3 (3) in section 506 (34 U.S.C. 10157), by add-  
4 ing at the end the following:

5 “(c) Of the total amount made available to carry out  
6 this subpart for a fiscal year, the Attorney General, in con-  
7 sultation with the Assistant Secretary of Labor for Occu-  
8 pational Safety and Health, shall reserve not less than  
9 \$20,000,000 for use by States and units of local govern-  
10 ment to establish and implement workplace safety and  
11 health protections for incarcerated workers in correctional  
12 facilities.”; and

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

14 (A) in paragraph (27), by striking “and”  
15 at the end;

16 (B) in paragraph (28), by striking the pe-  
17 riod at the end and adding “; and”; and

18 (C) by inserting after paragraph (28) the  
19 following:

20 “(29) the term ‘incarcerated worker’ means an  
21 individual, incarcerated or detained in a correctional  
22 facility operated by a State or a political subdivision  
23 of a State (or by a private entity through a contract  
24 with a State or political subdivision of a State), who  
25 performs work offered or required by or through the





- 1 \$20,000,000 for each of fiscal years 2024 through 2029,
- 2 to remain available until expended.

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