

(e) Alternative sites.—Congress may, by separate legislation after the enactment of this Act, amend the destination for detention in subsection (c)(2)(A).

(f) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out activities under this section related to the investigation, prosecution, and defense of cases and claims relating to foreign nationals who were detained at the Guantánamo Bay detention facility on or after July 4, 2026, and the transfer of such persons, including for the reimbursement of costs incurred by local communities.

Subtitle B—The Matthew Charles Prison Reform Act

PART I—HUMANE CONFINEMENT AND PRISON ACCOUNTABILITY

SEC. 121. ENDING CONTRACTING OUT OF FEDERAL PRISON FACILITIES AND COMMUNITY CONFINEMENT FACILITIES.

(a) Elimination of contracting for Federal correctional facilities and community confinement facilities.—[Chapter 301 of title 18](#), United States Code, is amended by adding at the end the following:

"Sec. 4015. No contracting out of Federal prison facilities or community confinement facilities.

"(a) Federal correctional facilities generally.—Beginning October 1, 2030—

"(1) all core correctional services at each correctional facility used by the Bureau of Prisons for the confinement of persons serving sentences of imprisonment for Federal offenses shall be performed by employees of the Federal Government; and

"(2) all core correctional services at each correctional facility used by the United States Marshals Service for the confinement of persons in the custody of the United States Marshals Service shall be performed by employees of the Federal Government, except that the United States Marshals Service may enter into and maintain a contract with a facility operated by a State or unit of local government if—

"(A) the core correctional services at such correctional facility are performed by employees of such State or unit of local government; and

"(B) the facility meets all constitutional, Federal statutory, United States Marshals Service, and any applicable State or local standards.

"(b) Federal community confinement facilities.—Beginning October 1, 2032, the Director of the Bureau of Prisons may not enter into or maintain any contract with any for-profit entity to provide or manage any community confinement facility.

"(c) Definitions.—In this section:

"(1) Community confinement facility.—The term 'community confinement facility' has the meaning given that term in [section 115.5 of title 28](#), Code of Federal Regulations, as in effect on July 4, 2026.

"(2) Core correctional services.—The term 'core correctional services' means the housing, safeguarding, protecting, and disciplining of individuals charged with or convicted of an offense."

(b) Clerical amendment.—The table of sections for [chapter 301 of title 18](#), United States Code, is amended by adding at the end the following:

"4015. No contracting out of Federal prison facilities or community confinement facilities."

(c) Transitional provisions.—

(1) Federal correctional facilities.—The Attorney General shall take appropriate action to phase out existing Bureau of Prisons and United States Marshals Service contracts for core correctional services that, at the conclusion of the transition period, will be prohibited under section 4015 of title 18, United States Code.

(2) Federal community confinement facilities.—The Attorney General shall take appropriate action to phase out existing Bureau of Prisons contracts for community confinement facilities that, at the conclusion of the transition period, will be prohibited under section 4015 of title 18, United States Code.

(d) Report.—Not later than July 1, 2028, and every 2 years thereafter, the Attorney General shall submit to Congress a report describing and evaluating the prison population in the custody of the Bureau of Prisons. Each report shall include information regarding the race, gender, age, and nationality of such persons, and the location of the custody of such persons.

(e) Research on programs and policies that reduce recidivism.—

(1) In general.—The Attorney General shall conduct research to evaluate the effectiveness at improving community reintegration of programs operated by, and policies of, community confinement facilities, as that term is defined in section 4015 of title 18, United States Code, and shall develop guidelines based on that research for the use of such programs and policies at community confinement facilities.

(2) Report.—Not later than July 4, 2030, and every 4 years thereafter, the Attorney General shall submit to Congress a report describing the results of the research conducted under paragraph (1), the guidelines developed pursuant to that research, and how those guidelines are being incorporated into any contract for the provision or management of a community confinement facility to which the Bureau of Prisons is a party.

(f) Annual inspection of correctional facilities used for the confinement of persons in the custody of the United States Marshals Service.—Not later than July 1, 2027, and annually thereafter, the United States Marshals Service shall conduct a thorough inspection of each correctional facility used by the United States Marshals Service for the confinement of persons in the custody of the United States Marshals Service to ensure that each such facility meets all Constitutional, Federal statutory, United States Marshals Service, and any other applicable standards, including any State or local standards.

(g) Duties of the Attorney General relating to the release of Federal prisoners.—[Section 3624 of title 18](#), United States Code, is amended by adding at the end the following:

"(h) Provision of information and counseling.—The Attorney General shall make rules to assure that each prisoner released from Federal custody upon the expiration of that prisoner's term of imprisonment for an offense, including a prisoner who resides in a community confinement facility, as that term is defined in section 4015, receives information and appropriate counseling about each of the following:

"(1) Any available process for having the prisoner's criminal record expunged.

"(2) The availability of programs to remove employment barriers.

"(3) Relevant vocational and educational rehabilitation programs that are available to the prisoner.

"(4) A detailed record of participation in educational, employment, and treatment programs completed while incarcerated.

"(5) Assistance with applications for the following:

"(A) Programs providing nutritional assistance.

"(B) Medicaid.

"(C) Social Security.

"(D) Driver's license.

"(E) Registering to vote."

(h) Duties of the Bureau of Prisons regarding released prisoners.—[Section 4042 of title 18](#), United States Code, is amended by adding at the end the following:

"(e) Requirements with respect to released prisoners.—In carrying out the duties set forth in subsections (a)(6) and (a)(7), the Director of the Bureau of Prisons shall ensure that each prisoner receives information and counseling during pre-release procedures regarding each area described in subsections (a)(6) and (a)(7). The Director of the Bureau of Prisons shall provide each released prisoner, including a prisoner who resides in a community confinement facility, as that term is defined in section 4015, with information regarding fines, assessments, surcharges, restitution, and other penalties due from the prisoner in connection with the conviction, which it shall be the duty of the appropriate judicial officers to provide to the Bureau."

SEC. 122. PREGNANCY PROTECTIONS AND REPORTING FOR INCARCERATED INDIVIDUALS.

(a) [Section 4322 of title 18](#), United States Code, is amended—

(1) in subsection (a) to read:

"(a) Prohibition.—Except as provided in subsection (b), beginning on the date on which pregnancy is confirmed by a health care professional and ending at the conclusion of postpartum recovery, it shall be unlawful for any Federal, State, or local government, or any officer, employee, contractor, or agent thereof, to place such a prisoner in restraints under color of law."; and

(2) in subsection (g)(2) to read:

"(2) Prisoner.—The term 'prisoner' means any person who is subject to custodial authority by a Federal, State, or local government, or by any officer, employee, contractor, or agent thereof, for purposes of detention or confinement for pretrial, post-conviction, civil, administrative, or immigration reasons, regardless of the physical location of such person, but does not include a person who is subject only to temporary detention incident to arrest prior to the establishment of custodial detention."

(b) Reporting requirements.—Each covered carceral agency shall submit an annual report to the Attorney General, in such form and manner as the Attorney General may prescribe, that includes, at a minimum:

(1) The number of incarcerated individuals who were pregnant during the reporting year.

(2) The outcome of any pregnancies concluded during a time of incarceration, including live births, miscarriages, stillbirths, and other medically relevant outcomes.

(3) The use of restraints on pregnant incarcerated individuals, including the number of incidents and the circumstances under which restraints were used.

(4) The use of solitary confinement or restrictive housing on pregnant incarcerated individuals.

(c) Definitions.—In this section, the term "covered carceral agency" means any Federal, State, or local agency, authority, or instrumentality that operates, manages, or contracts for the operation of a jail, prison, detention center, or other facility used for the confinement of individuals.

SEC. 123. EMERGENCY MEDICAL FAMILY NOTIFICATION AND ACCESS.

(a) Definitions.—In sections 123 through 125:

(1) Covered person.—The term "covered person" means any individual in the care or custody of a Federal, State, or local governmental authority in a jail, prison, detention center, or other custodial facility.

(2) Custodial authority.—The term "custodial authority" means any Federal, State, or local agency, department, officer, or employee that exercises legal or physical control over a covered person.

(3) Medical emergency.—The term "medical emergency" means any traumatic injury or identification of an acute medical condition that a reasonable medical professional determines requires immediate evaluation or treatment.

(4) Timely notification.—The term "timely notification" means notification provided as soon as practicable following the onset of a medical emergency, but in no event later than 6 hours after such onset, provided that the covered person has designated or otherwise provided emergency contact information to the custodial authority.

(5) Emergency contact.—The term "emergency contact" means a family member, legal guardian, or other individual designated by a covered person to receive notification in the event of a medical emergency.

(6) Reasonable access.—The term "reasonable access" means meaningful communication, subject only to limitations necessary to address medical needs or legitimate security requirements, including—

(A) by telephone or video communication; and

(B) in-person access as medically appropriate and practicable.

(b) Duty to notify.—Each custodial authority shall ensure that, in the event of a medical emergency involving a covered person, timely notification is provided to an emergency contact of such covered person.

(c) Duty to permit access.—Each custodial authority shall ensure that, following timely notification under subsection (b), reasonable access to a covered person is afforded to emergency contacts during the medical emergency and any period of recovery.

(d) Maintenance of contact information.—Each custodial authority shall maintain procedures to permit covered persons to designate, review, and update emergency contact information upon intake, transfer, on a regular basis, or by request.

(e) Documentation and accountability.—If timely notification or reasonable access is delayed or denied, the custodial authority shall document the specific reasons for such delay or denial and retain such documentation in the covered person's custodial record.

(f) Civil rights safeguard.—A pattern or practice by a custodial authority of failing to comply with this section shall constitute a deprivation of rights under color of law, enforceable in a civil action brought by the Attorney General for declaratory or injunctive relief.

(g) Rule of construction.—Nothing in this section shall be construed—

(1) to require disclosure of information in violation of applicable medical privacy laws; or

(2) to permit interference with necessary medical care.

SEC. 124. PROTECTION OF IN-PERSON VISITATION.

(a) In general.—It shall be unlawful for any Federal carceral agency to eliminate, suspend, or materially restrict in-person visitation for covered persons except where such restriction is narrowly tailored, time-limited, and necessary to address a specific and articulable safety or security concern.

(b) Anti-replacement rule.—The availability of video visitation or other remote communication services may not be used as a substitute for, or justification to eliminate or materially restrict, in-person visitation.

(c) Federal funding condition.—Beginning with the 2028 fiscal year, no Federal funds may be obligated or expended to contract with, provide grants to, or place Federal detainees in, any State, local, or private facility that fails to maintain in-person visitation standards that are substantially equivalent to those in effect for Bureau of Prisons facilities on the date of enactment of this Act.

(d) Rule of construction.—Nothing in this section shall be construed to require unlimited visitation or to prohibit reasonable scheduling, screening, or supervision practices consistent with safety and security.

(e) Enforcement.—A covered person aggrieved by a violation of this section may bring a civil action in an appropriate district court of the United States against the head of the Federal carceral agency responsible for the violation, in the head's official capacity, for declaratory or injunctive relief. A prevailing plaintiff shall be awarded reasonable attorney's fees and costs.

SEC. 125. PRESERVATION OF PHYSICAL MAIL.

(a) In general.—It shall be unlawful for any Federal carceral agency to categorically prohibit the receipt or sending of physical mail by covered persons.

(b) Anti-replacement rule.—The availability of electronic messaging, scanned mail, or other digital correspondence systems may not be used as a justification to eliminate physical mail.

(c) Handling of mail.—Physical mail may be inspected or screened for security purposes, but may not be destroyed, withheld, or converted to digital-only form absent individualized cause or the consent of the sender and recipient.

(d) Federal funding condition.—Beginning in the 2028 fiscal year, no Federal funds may be obligated or expended to contract with, provide grants to, or place Federal detainees in, any State, local, or private facility that fails to maintain physical mail policies that are substantially equivalent to those in effect for Bureau of Prisons facilities on the date of enactment of this Act.

(e) Rule of construction.—Nothing in this section shall be construed to prohibit reasonable limitations on mail based on size, content, or security screening consistent with Constitutional requirements.

(f) Enforcement.—A covered person aggrieved by a violation of this section may bring a civil action in an appropriate district court of the United States against the head of the Federal carceral agency responsible for the violation, in the head's official capacity, for declaratory or injunctive relief. A prevailing plaintiff shall be awarded reasonable attorney's fees and costs.

SEC. 126. REPEAL OF INCARCERATION INCENTIVE GRANT PROGRAM.

[Part A of subchapter I of chapter 121 of title 34, United States Code](#), commonly known as the "Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants," is repealed.

SEC. 127. RESTRICTIONS ON THE USE OF SOLITARY CONFINEMENT.

(a) Findings.—The Congress finds the following—

(1) The United Nations Office on Drugs and Crime has issued "the Nelson Mandela Rules," the United Nations Standard Minimum Rules for the Treatment of Prisoners. The use of indefinite or prolonged solitary confinement for more than 15 days is defined as a form of torture. Rules 43-45 define restrictions for solitary confinement.

(2) In the summer of 2019, the U.S. had more than 55,000 incarcerated people who had been in solitary confinement for 15 days or longer; including thousands for more than 3 years.

(3) A 2014 study published in the American Journal of Public Health found that assignment to solitary confinement was strongly associated with acts of self-harm and that incarcerated people punished by solitary confinement were approximately 6.9 times as likely to commit acts of self-harm.

(4) A Department of Justice review of solitary confinement published in January 2016 summarized their conclusions by emphasizing, "as a matter of policy, we believe strongly this practice should be used rarely, applied fairly, and subjected to reasonable constraints."

(b) Solitary confinement restrictions.—[Chapter 301 of title 18](#), United States Code, as amended by section 121 of this Act, is further amended by adding at the end the following:

"Sec. 4016. Solitary confinement.

"(a) Definitions.—In this section:

"(1) Attempting.—The term 'attempting' means having the intent to carry out a particular act and completing significant steps in the advancement of the attempt. Evidence of withdrawal or abandonment of a plan to carry out the act shall negate a finding of intent.

"(2) Clinician.—The term 'clinician' means a Federal or State licensed physician, except that for purposes of mental health evaluations, the term shall include a Federal or State licensed psychiatrist or psychologist, or an advanced practice nurse or clinical nurse specialist with a specialty in psychiatric nursing.

"(3) Developmental disability.—The term 'developmental disability' means a disability attributable to an intellectual or developmental condition, as defined in the latest edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, or related conditions constituting a severe or profound disability.

"(4) Emergency confinement.—The term 'emergency confinement' means the placement of an incarcerated person into solitary confinement for no more than 24 hours when:

"(A) there is reasonable cause to believe it is necessary for reducing a substantial risk of imminent serious harm to the incarcerated person or others in the facility, as evidenced by recent threats or conduct; and

"(B) a less restrictive intervention would be insufficient to reduce this risk.

"(5) Federal agency.—The term 'Federal agency' means the Federal Bureau of Prisons, U.S. Immigration and Customs Enforcement, Department of Homeland Security, U.S. Customs and Border Protection, Office of Refugee Resettlement, United States Marshals Service, Department of Health and Human Services, and any other Federal agency that has people in its care or custody.

"(6) Federal facility.—The term 'Federal facility' means a Federal Bureau of Prisons facility, U.S. Immigration and Customs Enforcement facility, Department of Homeland Security facility, U.S. Customs and Border Protection facility, Office of Refugee Resettlement facility, United States Marshals Service facility, Department of Health and Human Services facility, any other facility operated by a Federal agency that has people in its care or custody, and any Federal, State, local, or private facility that has contracted with any Federal agencies for incarcerating

people in their care or custody or providing services to incarcerated people in their care or custody.

"(7) Incarcerated person.—The term 'incarcerated person' means a person held in a Federal facility.

"(8) Medical seclusion.—The term 'medical seclusion' means involuntary isolated confinement of an incarcerated person as a patient in a separate room, subject to close medical supervision.

"(9) Medical staff.—The term 'medical staff' means State licensed psychiatrists, physicians, physician assistants, advanced practice nurses or clinical nurse specialists or, for mental health evaluations or decisions, those registered nurses with a specialty in psychiatric nursing, or comparably credentialed employees or contractors employed to provide medical, mental, and behavioral health care services.

"(10) Psychiatric emergency.—The term 'psychiatric emergency' means an acute disturbance of behavior, thought or mood of a patient which if untreated may lead to harm, either to the individual or to others in the environment.

"(11) Serious mental illness.—The term 'serious mental illness' means a disability based on a mental illness, a history of psychiatric hospitalization, or recently exhibited conduct, including but not limited to serious self-mutilation, indicating the need for further observation or evaluation to determine the presence of mental illness;

"(12) Solitary confinement.—The term 'solitary confinement' means the involuntary confinement of an incarcerated person to a cell or similarly confined holding or living space for approximately 22 hours or more per day, with severely restricted activity, movement, and social interaction. Solitary confinement does not include confinement due to a facility-wide or unit-wide lockdown that is required to ensure the safety of incarcerated people and staff.

"(13) Vulnerable person.—The term 'vulnerable person' means any incarcerated person who—

"(A) is 21 years of age or younger;

"(B) has a serious mental illness;

"(C) has a developmental disability;

"(D) has a significant neurocognitive impairment from a condition such as dementia or a traumatic brain injury;

"(E) has a serious medical condition which cannot effectively be treated in solitary confinement; or

"(F) is pregnant, or has given birth, suffered a miscarriage, or terminated a pregnancy in the previous 45 days.

"(b) Restrictions on the use of solitary confinement—

"(1) Federal facilities shall not place any vulnerable person in solitary confinement except for the use of medical seclusion pursuant to subsection (e). No other person may be placed in solitary confinement except for disciplinary reasons pursuant to subsection (c) or for temporary emergency confinement.

"(2) No incarcerated person may be placed in solitary confinement for more than 15 consecutive days, or 30 days in any 60-day period. Any person placed in solitary confinement shall receive a personal and comprehensive medical and mental health examination conducted by a clinician pursuant to subsection (d).

"(3) No person placed in solitary confinement shall be:

"(A) subjected to corporal punishment;

"(B) placed in a cell or other holding or living space that is dark or constantly lit, or that lacks functioning sanitary facilities, proper ventilation or temperature monitoring;

"(C) denied access to appropriate medical care, including emergency medical care; or

"(D) denied, or given reduced access to: food, water, adequate clothing, or any other basic necessity. No variation of food from the standard menu shall be permitted without the incarcerated person's consent, except for a limited period, not to exceed 7 days, for an incarcerated person who has used food or food service equipment in a manner that is hazardous to the incarcerated person or others, provided that the food supplied is healthful, palatable, and meets basic nutritional requirements.

"(4) During the final 180 days of an incarcerated person's term of incarceration, officials shall avoid placing the person in solitary confinement. If solitary confinement becomes necessary during this time, officials shall provide targeted reentry programming to prepare the person for return to the community.

"(c) Disciplinary use of solitary confinement.—

"(1) Federal facilities shall establish maximum penalties for each level of disciplinary offense, graded based on the seriousness of the offense, which should include alternatives to solitary confinement. If used for punishment, solitary confinement shall be reserved for offenses:

"(A) Causing or attempting to cause serious physical injury or death to another person.

"(B) Compelling or attempting to compel another person, by force or threat of force, to engage in a sexual act (as defined in [section 2246 of title 18](#)).

"(C) Leading, organizing, inciting, or attempting to cause a riot, or other similarly serious disturbance that results in the taking of a hostage, major property damage, or serious physical harm to another person.

"(D) Escaping, attempting to escape or facilitating an escape from a facility or escaping, attempting to escape or facilitating an escape while under supervision outside such facility.

"(2) An incarcerated person shall not be placed in solitary confinement pending investigation of a disciplinary offense unless the incarcerated person's presence in general

population would pose a danger to the incarcerated person, staff, other incarcerated people, or the public.

"(A) In making this determination, officials should consider the seriousness of the alleged offense, including whether the offense would be punishable by solitary confinement pursuant to paragraph (1).

"(B) An incarcerated person's initial placement in investigative solitary confinement should be reviewed within 24 hours by an appropriate, high-level authority who was not involved in the initial placement decision.

"(C) An incarcerated person placed in investigative solitary confinement shall be given an initial hearing within 72 hours of placement, in the absence of exceptional circumstances, unavoidable delays, or reasonable postponements. An incarcerated person who demonstrates good behavior during investigative solitary confinement shall be considered for release to the general population while awaiting the disciplinary hearing.

"(D) Absent compelling circumstances, such as a pending criminal investigation, an incarcerated person may not remain in investigative solitary confinement for a longer period of time than the maximum term of disciplinary solitary confinement permitted for the most serious offense charged.

"(3) Procedures for a disciplinary hearing which may result in solitary confinement for an incarcerated person—

"(A) Hearings shall be conducted by a neutral decision maker—

"(i) In Federal Bureau of Prisons facilities or facilities contracting with the Federal Bureau of Prisons or United States Marshals Service for incarcerating people in their care or custody, the neutral decision maker shall be appointed by the Assistant Attorney General for Civil Rights, employed by the Department of Justice but independent of any division or unit within the Department of Justice that has people in its care or custody or engages in any prosecuting activities, any other Federal agency, and any prosecuting entity.

"(ii) In U.S. Immigration and Customs Enforcement, Department of Homeland Security, or U.S. Customs and Border Protection facilities, or facilities contracting with U.S. Immigration and Customs Enforcement, the Department of Homeland Security, or U.S. Customs and Border Protection for incarcerating people in their care or custody, the neutral decision maker shall be appointed by the Officer for Civil Rights and Civil Liberties, employed by the Department of Homeland Security but independent of the Office for Civil Rights and Civil Liberties, any division or unit within the Department of Homeland Security that has people in its care or custody or engages in any prosecuting activities, any other Federal agency, and any prosecuting entity.

"(iii) In Department of Health and Human Services facilities or facilities contracting with the Department of Health and Human Services for incarcerating people in their care or custody, the neutral decision maker shall be appointed by the Director of the Office for Civil Rights, employed by the Department of Health and Human Services but independent of the Office for Civil Rights, any division or unit within the Department of

Health and Human Services that has people in its care or custody, any other Federal agency, and any prosecuting entity.

"(B) The incarcerated person shall be permitted to represent themselves or be represented by any attorney, law student, paralegal, community advocate, or other incarcerated person of their choosing. If a person does not have their own representative, they shall be offered the assistance of a representative as follows:

"(i) For all hearings described in subparagraph (A)(i), an appointed representative selected by the Assistant Attorney General for Civil Rights, employed by the Department of Justice, and independent of:

"(I) any division or unit within the Department of Justice that has people in its care or custody or engages in any prosecuting activities;

"(II) any other Federal agency; and

"(III) any prosecuting entity.

"(ii) For all hearings described in subparagraph (A)(ii), an appointed representative selected by the Officer for Civil Rights and Civil Liberties, employed by the Department of Homeland Security, and independent of:

"(I) the Office for Civil Rights and Civil Liberties;

"(II) any division or unit within the Department of Homeland Security that has people in its care or custody or engages in any prosecuting activities;

"(III) any other Federal agency; and

"(IV) any prosecuting entity.

"(iii) For all hearings described in subparagraph (A)(iii), an appointed representative shall be selected by the Director of the Office for Civil Rights, employed by the Department of Health and Human Services, and independent of:

"(I) the Office for Civil Rights;

"(II) any division or unit within the Department of Health and Human Services that has people in its custody;

"(III) any other Federal agency; and

"(IV) any prosecuting entity.

"(C) Not less than 2 days prior to any hearing, both the incarcerated person and their chosen representative shall be provided detailed written notice of the reason for the hearing, including all relevant evidence. The individual and their chosen representative shall be provided adequate time to prepare for such hearings and afforded adjournments as appropriate. Any refusal by an incarcerated person to attend such hearings shall be videotaped and made part of the evidentiary record that shall be maintained by the relevant Federal agency. Failure to provide the notice described herein or to enter into the record

videotaped evidence of an alleged refusal to attend by an incarcerated person shall constitute a basis for resolving the hearing in that person's favor.

"(D) The neutral decision maker shall issue a written determination within 5 business days of the conclusion of the placement hearing. The determination shall specify the finding, a summary of each witness's testimony and an explanation of whether their testimony was credited or rejected, and the evidence relied upon in reaching the finding. A finding for disciplinary solitary confinement shall be supported by clear and convincing evidence.

"(E) A copy of the determination shall be provided to the incarcerated person and their chosen representative within 24 hours of the issuance of the determination, and, if the finding imposes disciplinary solitary confinement, no less than 2 hours prior to its imposition.

"(4) If a neutral decision maker is confronted with an incarcerated person who demonstrates symptoms of mental illness, the decision maker shall refer the person to a member of the medical staff to provide input as to:

"(A) the incarcerated person's competence to participate in the disciplinary hearing,

"(B) any impact the incarcerated person's mental illness may have had on their responsibility for the charged behavior, and

"(C) information about any known mitigating factors in regard to the behavior.

"The neutral decision maker shall also consult a member of the medical staff, preferably the treating clinician, as to whether certain types of sanctions, (e.g., placement in disciplinary solitary confinement, loss of visits, or loss of phone calls) may be inappropriate because they would interfere with supports that are a part of the incarcerated person's treatment or recovery plan. The neutral decision maker shall take the input provided under this paragraph into account when deciding what, if any, sanctions to impose.

"(5) If the hearing results in an adjudication of guilt, disciplinary solitary confinement may be used only if the hearing officer concludes that other available sanctions are insufficient to serve the purposes of punishment. An incarcerated person who is a vulnerable person described in subparagraph (E) or (F) of subsection (a)(13), who would otherwise be placed in solitary confinement, may alternately be placed in medical seclusion.

"(6) Absent any compelling circumstances, any time spent in investigative solitary confinement shall be credited toward a punishment of disciplinary solitary confinement. Ordinarily, disciplinary sentences for offenses that arise out of the same episode should be served concurrently.

"(7) To incentivize conduct that furthers institutional safety and security, an incarcerated person who demonstrates good behavior during disciplinary solitary confinement shall be given consideration for early release from solitary confinement, where appropriate.

"(d) Medical and mental health examinations.—

"(1) Except as provided in paragraph (3), no person shall be placed in solitary confinement prior to receiving a personal and comprehensive medical and mental health examination by a clinician.

"(2) A clinician shall evaluate each person placed in solitary confinement on a daily basis, in a confidential setting outside of the cell whenever possible, to determine whether they are a vulnerable person. The clinician may recommend changes to the solitary confinement of a person in order to ensure that such confinement does not exacerbate a medical condition or mental or physical disability.

"(3) A person placed in emergency confinement shall receive an initial medical and mental health evaluation within 2 hours of placement in emergency confinement by a member of the medical staff, and a personal and comprehensive medical and mental health evaluation within 36 hours of confinement.

"(4) If an evaluation determines the incarcerated person is a vulnerable person, they shall immediately be removed from solitary confinement, except an incarcerated person who is a vulnerable person described in subparagraph (E) or (F) of subsection (a)(13) may alternately be transferred to medical seclusion. A punishment of disciplinary solitary confinement which has been imposed on an incarcerated person who is removed from confinement pursuant to this paragraph shall be deemed to be satisfied.

"(e) Medical seclusion.—The Federal facility may subject a person to medical seclusion—

"(1) in response to a psychiatric emergency, if de-escalation methods and less restrictive measures fail to defuse the situation. If subjecting a person to medical seclusion in response to a psychiatric emergency pursuant to this paragraph, the medical staff shall continue de-escalation efforts and end the use of medical seclusion when the threat of the serious incident or imminent physical harm has passed.

"(2) when a mental health examination, the conduct of an incarcerated person, or any subsequent observation identifies a risk of suicide, the incarcerated person may be placed in a medical seclusion and promptly evaluated by a clinician, who should determine the degree of risk, appropriate level of ongoing supervision, and appropriate course of mental health treatment.

"(A) A suicidal incarcerated person's clothing may be removed only if an individualized assessment finds such removal necessary, and the affected person shall be provided with suicide resistant garments that are sanitary, adequately modest, and appropriate for the temperature.

"(B) At a minimum, incarcerated people presenting a serious risk of suicide shall be housed within sight of staff and observed by staff, face-to-face, at irregular intervals of no more than 15 minutes, with any currently threatening or attempting suicide under continuous staff observation. Suicide observation shall be documented, and incarcerated people under suicide observation evaluated by a clinician prior to being removed from observation.

"(3) pursuant to subsection (d)(4), for the fulfillment of disciplinary solitary confinement.

"(4) when medically necessary for an incarcerated person with a readily transmissible contagious disease, if the best available objective evidence indicates that the person poses a direct threat to the health or safety of others and other restrictions would be insufficient. Any accommodation made to address the special needs or risks of a prisoner with a communicable disease may not unnecessarily reveal that prisoner's health condition.

"(5) In any case of medical seclusion under this subsection, a clinical review shall be conducted at least every 8 hours and as indicated.

"(f) Recordkeeping.—

"(1) Required records.—For each placement of an incarcerated person in solitary confinement under this section, the Federal facility shall—

"(A) provide written notice to the appropriate facility administrator (or their designee); and

"(B) create and maintain a written record that includes—

"(i) the specific reason for—

"(I) the placement, including any hearings conducted, findings made, and sanctions imposed relating to the placement;

"(II) the removal of the incarcerated person;

"(ii) the type of confinement, including disciplinary, investigative, emergency confinement, or medical seclusion;

"(iii) the date and time—

"(I) the confinement began;

"(II) the confinement ended; and

"(III) of the notification required by subparagraph (A);

"(iv) the identity and title of the official authorizing the placement;

"(v) whether the incarcerated person was determined to be a vulnerable person under subsection (a);

"(vi) all medical and mental health evaluations conducted pursuant to this section, including the date, time, and evaluator.

"(2) Retention and availability.—Records required under paragraph (1) shall—

"(A) be maintained at the facility in which the incarcerated person is housed;

"(B) be available for internal oversight, medical review, and civil rights compliance purposes;

"(C) be preserved for not less than 5 years; and

"(D) be reported in aggregate to the Department of Justice.

"(3) Review and corrective action.—

"(A) Failure to comply.—A failure to provide notice or maintain records as required under this subsection shall require prompt supervisory review by the Federal agency responsible for the facility.

"(B) Corrective measures.—Where noncompliance is identified, the agency shall take appropriate corrective action, which may include training, policy modification, disciplinary measures, or referral for civil rights review.

"(g) Rulemaking.—Not later than January 30, 2027, each Federal agency shall develop rules, guidance, and regulations useful and necessary to implement this section with respect to Federal facilities under the jurisdiction of, or under contract with, that agency."

(c) Clerical amendment.—The table of sections for such chapter, as amended by section 121 of this Act, is further amended by adding at the end the following:

"4016. Solitary confinement."

(d) Effective dates.—

(1) Subsection (b) of this section, and subsections (a), (b), and (g) of section 4016, as inserted by this section, are effective 30 days after enactment of this Act; and

(2) the remaining subsections of section 4016 are effective on March 1, 2027, or 30 days after issuance of the rules, guidance, and regulations developed pursuant to subsection (g) of such section.

SEC. 128. REMOVAL OF LIMITATION ON RECOVERY ON CERTAIN SUITS BY INCARCERATED PEOPLE.

(a) Recovery for unlawful solitary confinement.—[Section 1346\(b\)\(2\) of title 28](#), United States Code, is amended by inserting before the period at the end ", or placement in solitary confinement in violation of section 4016 of title 18".

(b) Effective date.—This section shall be effective July 4, 2027.

PART II—RESTRICTING PRISON PROFITEERING

SEC. 131. DEFINITIONS.

In this subtitle:

(1) Carceral data.—The term "carceral data" means any data, record, content, communication, metadata, biometric identifier, location information, transaction information, or other information that is generated, collected, inferred, derived, or obtained in connection with the incarceration, detention, supervision, or confinement of an incarcerated individual.

(2) Commission, kickback, or revenue-sharing.—The term "commission, kickback, or revenue-sharing" means any payment, rebate, percentage, fee, credit, discount, in-kind benefit,

or other thing of value that is calculated based on usage, volume, or revenue and provided to or for the benefit of a covered carceral agency.

(3) Commercial purpose.—The term "commercial purpose" means any purpose of advertising, marketing, profiling, behavioral targeting, sale, licensing, monetization, or product development.

(4) Commissary system.—The term "commissary system" means any system, program, or arrangement for the sale of goods to covered persons or to family members or other persons acting on behalf of covered persons for use by covered persons in a jail, prison, detention center, or other custodial facility.

(5) Cost of the good.—The term "cost of the good" means the documented price paid to acquire a commissary good, including reasonable and verifiable expenses directly attributable to procurement, transportation, storage, and handling.

(6) Covered carceral agency.—The term "covered carceral agency" means any Federal, State, or local agency, authority, or instrumentality that operates, manages, or contracts for the operation of a jail, prison, detention center, or other facility used for the confinement of individuals.

(7) Covered carceral contract.—The term "covered carceral contract" means any contract or agreement for the provision of goods or services to a covered carceral agency.

(8) Covered person.—The term "covered person" means any individual in the care or custody of a Federal, State, or local governmental authority in a custodial facility.

(9) Custodial authority.—The term "custodial authority" means any Federal, State, or local agency, department, officer, or employee that exercises legal or physical control over a covered person.

(10) Debit card.—The term "debit card" means any prepaid card, stored-value card, or similar payment instrument issued for the purpose of providing access to funds upon release from custody, whether issued directly by a correctional authority or through a contractor, financial institution, or program manager.

(11) Digital content.—The term "digital content" means any electronically stored media, message, image, audio, video, document, or other digital file purchased or accessed through a custodial facility system or service.

(12) Electronic messaging system.—The term "electronic messaging system" means any digital platform or service that enables written communication between a covered person and another individual through electronic transmission.

(13) Fee.—The term "fee" means any charge, cost, penalty, or assessment, whether imposed directly or indirectly, including charges for account maintenance, balance inquiries, purchases, inactivity, customer service, account closure, replacement cards, or access to funds.

(14) Incarcerated individual.—The term "incarcerated individual" means any person confined in a jail, prison, detention center, or other facility used for the confinement of individuals, including any person detained for a civil, administrative, or immigration purpose.

(15) Interstate commerce.—The term "interstate commerce" has the meaning given the term "commerce" in section 4 of the Federal Trade Commission Act ([15 U.S.C. 44](#)).

(16) Medical care.—The term "medical care" means the evaluation, diagnosis, treatment, prevention, or management of health issues, including physical, dental, vision, mental health, or substance use disorders. Medical care includes prescription medications, medical devices, assistive services, and any other health care service determined by a licensed health care professional to be medically necessary.

SEC. 132. PRISON CONTRACT PROHIBITIONS.

(a) Prohibition on exploitative contracts.—

(1) In general.—It shall be unlawful for any person engaged in interstate commerce to enter into, renew, materially amend, perform, or enforce a covered carceral contract that includes any commission, kickback, or revenue-sharing.

(2) Enforceability.—No provision of a covered carceral contract shall be enforceable to the extent it would violate the provisions of this section.

(b) Disclosure required.—

(1) In general.—Any person engaged in interstate commerce that enters into, renews, or materially amends a covered carceral contract shall publicly disclose the details not less than 30 days after execution, renewal, or amendment of the covered carceral contract.

(2) Required disclosures.—The disclosure shall include, at a minimum:

(A) The identity of all contracting parties, including any parent company, subsidiary, or affiliate.

(B) The term of the contract, including the initial term and any renewal or extension provisions.

(C) The scope of goods or services provided.

(D) All pricing terms, including rates, fees, per-unit charges, and any usage-based or volume-based pricing.

(E) Any commissions, site fees, administrative fees, or other payments or credits provided to, or for the benefit of, a covered carceral agency.

(F) Any amendments, side letters, schedules, or incorporated documents that modify pricing, compensation, or duration.

(3) Manner of disclosure.—

(A) Public posting.—Each disclosure required under this section shall be made publicly available, without restriction, on an internet website maintained by the person required to make the disclosure.

(B) Filing with Commission.—Each disclosure required under this section shall also be filed with the Federal Trade Commission in such form and manner as the Commission may prescribe.

(c) Prohibition on confidentiality claims.—No assertion of trade secret, confidentiality, or proprietary interest, shall be valid if it would violate the provisions of this section.

(d) Enforcement.—A violation of this section shall be treated as—

(1) a violation of section 5(a) of the Federal Trade Commission Act ([15 U.S.C. 45\(a\)](#)) as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section; and

(2) cause for debarment under applicable Federal debarment and suspension authorities for a period of not less than 1 year.

(e) No preemption.—Nothing in this section shall be construed to preempt any State law that provides equal or greater protection against carceral profiteering.

(f) Effective date.—This section shall be effective January 1, 2027.

SEC. 133. PROHIBITION ON COMMERCIAL USE AND TRANSFER OF CARCERAL DATA.

(a) Prohibition.—It shall be unlawful for any person engaged in interstate commerce, or any officer, employee, or agent thereof, to collect, use, or sell carceral data for a commercial purpose except as expressly permitted under subsection (b).

(b) Permitted uses.—Subsection (a) shall not prohibit the collection, use, retention, or disclosure of carceral data solely to the extent necessary to carry out—

(1) the safe, secure, and lawful operation of a covered carceral agency;

(2) the provision of health care, nutrition, or other basic services required to be provided to an incarcerated individual;

(3) compliance with Federal or State law, a court order, or a lawful subpoena;

(4) communications with counsel, courts, consular officials, oversight bodies, or other persons as required by law; or

(5) access by an incarcerated individual to such individual's own carceral data, including the correction of inaccuracies, subject to reasonable identity verification.

(c) Prohibited secondary use; no circumvention.—It shall be unlawful to evade subsection (a) by characterizing carceral data, or any portion thereof, as anonymized data, aggregated data, derived data, inferred data, analytics, insights, scores, models, training data, or any substantially similar designation if such data is collected, used, or sold for a commercial purpose.

(d) Retention and destruction of carceral data.—

(1) Retention limitation.—Except as expressly required by Federal or State law, court order, or an active litigation hold, no person subject to this section may retain carceral data for longer than is reasonably necessary to carry out a permitted use under subsection (b).

(2) Destruction requirement.—Carceral data that is no longer necessary for a permitted use under subsection (b) shall not be retained, but shall be permanently destroyed in a timely manner.

(3) Vendor obligations upon contract termination.—Upon the termination or expiration of any contract involving access to carceral data, the vendor shall—

(A) return such data to the covered carceral agency, if requested; and

(B) permanently destroy all copies of such data not required to be retained under paragraph (1).

(4) Certification.—The Federal Trade Commission may require any person subject to this section to certify compliance with this subsection in such form and manner as the Commission determines appropriate.

(e) Enforcement.—

(1) In general.—A violation of this section shall be treated as an unfair, deceptive, or abusive act or practice under section 5(a) of the Federal Trade Commission Act ([15 U.S.C. 45\(a\)](#)).

(2) Authority.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section.

(f) No preemption.—Nothing in this section shall be construed to preempt any State law that provides equal or greater protection.

(g) Rule of construction.—For purposes of this section, the commercial use, transfer, disclosure, or monetization of carceral data shall be presumed to take unreasonable advantage of the inability of incarcerated individuals to protect their interests in selecting, accessing, or using a good, service, platform, or market.

(h) Effective date.—This section shall be effective January 1, 2027.

SEC. 134. MEDICAL CARE AND NECESSITIES FOR INCARCERATED PEOPLE.

(a) Prohibition on medical fees.—It shall be unlawful for any covered carceral agency to impose, collect, or cause to be imposed or collected any copayment, fee, charge, or cost for medical care provided to an incarcerated individual.

(b) Free access to prescribed medications.—It shall be unlawful for any covered carceral agency to impose, collect, or cause to be imposed or collected any fee, charge, or cost for any medication prescribed by a licensed health care professional for an incarcerated individual.

(c) Hygiene and sanitary products.—Each covered carceral agency shall provide incarcerated individuals with basic hygiene products at no cost, including soap, toothpaste, toothbrushes, toilet paper, and menstrual products, in sufficient quantity to meet health and dignity needs.

(d) Conditions on Federal detention reimbursements.—As a condition of receiving any Federal payment, reimbursement, or per diem for the detention, incarceration, or housing of individuals pursuant to a Federal contract, agreement, or program, a State or local government shall certify compliance with subsections (a) through (c).

(e) Prohibition on vendor facilitation.—It shall be unlawful for any person engaged in interstate commerce to collect or facilitate any fee or cost prohibited under this section, whether directly or indirectly, and regardless of any contract, policy, or administrative practice.

(f) Enforcement.—

(1) Covered carceral agencies.—An incarcerated individual aggrieved by a violation of subsection (a), (b), or (c) may bring a civil action in an appropriate district court of the United States against the head of the covered carceral agency responsible for the violation, in the head's official capacity, for declaratory or injunctive relief. A prevailing plaintiff shall be awarded reasonable attorney's fees and costs.

(2) Vendors.—A violation of subsection (e) shall be treated as—

(A) a violation of section 5(a) of the Federal Trade Commission Act ([15 U.S.C. 45\(a\)](#)) as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section; and

(B) cause for debarment under applicable Federal debarment and suspension authorities for a period of not less than 1 year.

(g) Effective date.—This section shall take effect on January 1, 2027.

SEC. 135. UNFAIR PRICING IN CARCERAL COMMISSARY SYSTEMS.

(a) Unfair pricing practice.—It shall be an unfair, deceptive, or abusive act or practice to sell or offer to sell any good through a commissary system at a price that exceeds 125 percent of the cost of the good.

(b) Enforcement.—A violation of this section shall be treated as—

(1) a violation of section 5(a) of the Federal Trade Commission Act ([15 U.S.C. 45\(a\)](#)) as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section; and

(2) cause for debarment under applicable Federal debarment and suspension authorities for a period of not less than 1 year.

(c) Rule of construction.—Nothing in this section shall be construed to preempt State or local laws that impose stricter limitations on commissary pricing.

(d) Effective date.—This section shall take effect 30 days after enactment of this Act.

SEC. 136. FAIR ELECTRONIC MESSAGING STANDARDS IN CUSTODIAL FACILITIES.

(a) In general.—Each Federal, State, and local custodial authority, and any person acting under contract or agreement with such authority, shall ensure that any electronic messaging system made available to covered persons functions in a manner comparable to ordinary consumer email services, subject only to limitations that are narrowly tailored and necessary to address legitimate security or safety needs.

(b) Prohibited practices.—It shall be unlawful to operate or provide an electronic messaging system for covered persons that—

- (1) imposes pricing based on the number of words, characters, or length of a message;
- (2) restricts the ability to send or receive attachments, except as necessary for security review or content filtering;
- (3) conditions access to basic messaging functions on the purchase of bundled credits or plans that obscure per-message pricing;
- (4) modifies pricing, access terms, or functional limitations without clear advance notice to users; or
- (5) deletes or restricts access to messages or attachments in a manner inconsistent with disclosed retention policies.

(c) Enforcement.—The Federal Communications Commission shall enforce this section under the Communications Act of 1934 ([47 U.S.C. 151 et seq.](#)), using the same authority, procedures, and remedies applicable to communications services provided to incarcerated persons, including authority to promulgate regulations, conduct investigations, and impose penalties.

(d) Effective date.—This section shall be effective January 1, 2027.

SEC. 137. DIGITAL PROPERTY PROTECTIONS FOR COVERED PERSONS.

(a) Ownership of digital content.—Any digital content purchased or lawfully acquired by a covered person through a custodial facility system or service shall be deemed the property of the covered person, subject to reasonable limitations related to security, storage capacity, and lawful content restrictions.

(b) Continuity of access.—A custodial authority or service provider may not terminate, revoke, or unreasonably restrict access to a covered person's purchased digital content due to—

- (1) transfer between facilities;
- (2) change in service provider or vendor;
- (3) reentry or release from custody; or
- (4) expiration or termination of a contract with a custodial authority.

(c) Access after release.—Covered persons shall be afforded a reasonable opportunity to retain or access purchased digital content following release from custody, including through download, transfer, or continued account access, subject to reasonable technical and security limitations.

(d) Prohibited practices.—It shall be unlawful to condition continued access to purchased digital content on the payment of new or additional fees unrelated to reasonable storage or transfer costs.

(e) Enforcement.—A violation of this section shall constitute an unlawful deprivation of property under color of law, and shall be enforceable exclusively by the Attorney General through civil action for declaratory and injunctive relief.

(f) Effective date.—This section shall be effective January 1, 2027.

SEC. 138. CAPPING PREDATORY PRISON COMMUNICATION RATES.

(a) Incorporation of specified regulations.—The provisions of the final rule promulgated by the Federal Communications Commission, entitled "Incarcerated People's Communication Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services", as published in the Federal Register on September 20, 2024 ([89 Fed. Reg. 77244](#)), are incorporated into this Act and shall be treated as though such provisions are set forth in this section.

(b) Effect of incorporation.—The rule incorporated under subsection (a) shall establish maximum lawful rates, fees, and charges, and no officer or employee of the Federal Communications Commission may approve any rate, fee, or charge that is higher or less protective than the incorporated rates and regulations.

(c) Rule of construction.—Nothing in this section shall be construed to limit the authority of the Federal Communications Commission to impose lower rates or fees, or adopt or enforce regulations that provide greater protection to incarcerated people and their families.

(d) Effective date.—This section shall be effective 30 days after the enactment of this Act.

SEC. 139. ELIMINATION OF FEES ON DEBIT RELEASE CARDS.

(a) Unfair, deceptive, or abusive act or practice.—

(1) In general.—It shall be a rebuttable presumption that the issuance of a debit card to a person upon release from custody that imposes a fee constitutes an unfair, deceptive, or abusive act or practice under section 1031 of the Consumer Financial Protection Act of 2010 ([12 U.S.C. 5531](#)).

(2) Rulemaking.—Not later than 18 months after the date of enactment of this Act, the Consumer Financial Protection Bureau shall promulgate rules to eliminate fees associated with debit cards issued in connection with release from custody, including rules establishing standards for fee-free methods, permissible non-card alternatives, and protections against coercive or deceptive practices.

(b) Bureau of Prisons obligations.—

(1) In general.—The Bureau of Prisons shall ensure that no fees are associated with any debit card issued to a person released from custody.

(2) Voluntary alternatives.—The Bureau of Prisons shall make available at least 1 non-card alternative.

(c) Effective date.—This section shall be effective January 1, 2027.