

118TH CONGRESS
2D SESSION

H. R. 9073

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

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2024

Ms. PRESSLEY (for herself, Mr. BOWMAN, Ms. NORTON, Mrs. RAMIREZ, and
Ms. TLAIB) introduced the following bill; which was referred to the Com-
mittee on the Judiciary

A BILL

To improve the environmental health outcomes of incarcer-
ated 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. 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. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) many of the specific examples of environ-
4 mental injustice detailed in subsection (a) are wide-
5 spread at carceral facilities throughout the United
6 States;

7 (2) many of the examples of environmental in-
8 justice detailed in subsection (a) are also commonly
9 encountered within communities with higher than
10 average incarceration rates, thereby perpetuating
11 systemic patterns of environmental harm;

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

16 (4) incarcerated people and carceral facility
17 staff should—

18 (A) have the right to a healthy living envi-
19 ronment;

1 (B) have access to reasonable alternatives
2 and options during environmental health emer-
3 gencies; and

4 (C) have access to comprehensible informa-
5 tion regarding environmental health variables,
6 rights, and mitigation and adaptation measures
7 to overcome environmental health threats.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means the Committee on the Judiciary and
13 the Committee on Environment and Public Works of
14 the Senate and the Committee on the Judiciary, the
15 Committee on Oversight and Accountability, and the
16 Committee on Energy and Commerce of the House
17 of Representatives.

18 (2) **CARCERAL FACILITY.**—The term “carceral
19 facility”—

20 (A) means physical infrastructure or an
21 environment in which currently incarcerated
22 people are held or required to spend significant
23 periods of time; and

24 (B) includes a prison, jail, juvenile deten-
25 tion center, juvenile secure facility, mental

1 health facility, treatment facility, rehabilitation
2 center, civil commitment facility, civil detention
3 facility, and immigration facility.

4 (3) CARCERAL FACILITY STAFF.—The term
5 “carceral facility staff”—

6 (A) means a person employed at or by, or
7 who volunteers at, a carceral facility who faces
8 exposure to similar environmental stressors as
9 people incarcerated at the facility; and

10 (B) includes a person described in sub-
11 paragraph (A) who is a correctional officer,
12 guard, contractor, grounds staff, maintenance
13 staff, cafeteria staff, commissary and canteen
14 staff, program staff, educator, healthcare work-
15 er, religious staff, legal counsel or advocate, or
16 volunteer.

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

21 (A) is in agreement with a native language
22 of the person or a language the person speaks
23 or reads with enough fluency to comprehend
24 technical information;

1 (B) facilitates comprehension based on the
2 educational level and disability status of the
3 person;

4 (C) provides opportunity to seek out clari-
5 fication and ask questions regarding the infor-
6 mation and its implications for environmental
7 health; and

8 (D) complies with section 504 of the Reha-
9 bilitation Act of 1974 (29 U.S.C. 794), and its
10 implementing regulations or any successor regu-
11 lations, and title II of the Americans with Dis-
12 abilities Act (42 U.S.C. 12131 et seq.), and its
13 implementing regulations or any successor regu-
14 lations.

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

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

21 (7) ENVIRONMENTAL STRESSOR.—The term
22 “environmental stressor” means a physical, biologi-
23 cal, chemical, or other aspect of the natural or built
24 environment, including the presence or absence of

1 functional infrastructure, which can lead to adverse
2 health outcomes.

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

7 (9) FEDERAL CARCERAL FACILITY.—The term
8 “Federal carceral facility” means a carceral facility
9 operated by, affiliated with, or operated under a con-
10 tract with—

11 (A) the Bureau of Prisons;

12 (B) the United States Marshals Service;

13 (C) U.S. Immigration and Customs En-
14 forcement; or

15 (D) the Bureau of Indian Affairs.

16 (10) INCARCERATED PERSON.—The term “in-
17 carcerated person”—

18 (A) means an individual held in a carceral
19 facility; and

20 (B) includes an individual awaiting trial,
21 an individual awaiting a ruling by an immigra-
22 tion judge, and an individual serving a sen-
23 tence.

24 (11) STATE, LOCAL, OR TRIBAL CARCERAL FA-
25 CILITY.—The term “State, local, or Tribal carceral

1 facility” means a carceral facility operated by, affili-
2 ated with, or operated under a contract with a State,
3 local, or Tribal government.

4 (12) SUPERFUND SITE.—The term “Superfund
5 site” means a hazardous waste site or a site on the
6 National Priorities List developed by the President
7 in accordance with section 105(a)(8)(B) of the Com-
8 prehensive Environmental Response, Compensation,
9 and Liability Act of 1980 (42 U.S.C.
10 9605(a)(8)(B)).

11 (13) VULNERABLE POPULATION.—The term
12 “vulnerable population”—

13 (A) means a group of incarcerated people
14 and carceral facility staff who are at higher risk
15 of exposure to environmental stressors or higher
16 risk of negative health outcomes from exposure
17 to environmental stressors; and

18 (B) includes—

19 (i) people who are older than 50 years
20 of age;

21 (ii) children;

22 (iii) adolescents;

23 (iv) young adults who are between 18
24 years of age and 25 years of age;

1 (v) pregnant, post-natal, or
2 breastfeeding people;

3 (vi) people who have preexisting med-
4 ical conditions or take medications that
5 can make them more susceptible to heat or
6 cold;

7 (vii) people who work or labor at sites
8 having conditions hazardous to human
9 health;

10 (viii) people who have a disability that
11 makes them especially susceptible to envi-
12 ronmental stressors or less able to mitigate
13 exposure to environmental stressors;

14 (ix) people who have been substan-
15 tially and cumulatively exposed to environ-
16 mental stressors on account of the dura-
17 tion of their sentence; and

18 (x) people who are not yet acclimated
19 to environmental stressors that are com-
20 monly experienced during incarceration, in-
21 cluding those who have been incarcerated
22 for less than 1 year from the date of in-
23 take.

1 **SEC. 4. IMPROVING ENVIRONMENTAL MONITORING AND**
2 **REPORTING AT FEDERAL CARCERAL FACILI-**
3 **TIES.**

4 (a) DATA.—

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

16 (A) the ambient air quality of outdoor rec-
17 reational space and how levels of carbon mon-
18 oxide, lead, nitrogen oxides, ground-level ozone,
19 particulate matter, and sulfur dioxide compare
20 to the National Ambient Air Quality Standards
21 of the Environmental Protection Agency;

22 (B) the indoor air quality of spaces in
23 which incarcerated people are held or to which
24 incarcerated people have access;

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

1 (i) thresholds defined by the Air Qual-
2 ity Index; and

3 (ii) action levels issued by the Envi-
4 ronmental Protection Agency, including the
5 radon action level;

6 (D) how the indoor air quality infrastruc-
7 ture compares to standards promulgated and
8 guidance issued by the Occupational Safety and
9 Health Administration and the American Soci-
10 ety of Heating, Refrigerating and Air-Conditi-
11 oning Engineers;

12 (E) the presence of asbestos;

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

16 (i) primary drinking water regulations
17 or secondary drinking water regulations
18 (as those terms are defined in section 1401
19 of the Safe Drinking Water Act (42 U.S.C.
20 300f)); and

21 (ii) the regulatory standards set by
22 the State or Tribal agency that has juris-
23 diction over the facility;

24 (G) the mean and range of temperatures
25 and heat stress indices, taking into account hu-

1 midity, to which incarcerated people are ex-
2 posed in different seasons;

3 (H) the presence of pests, mold, and com-
4 municable diseases;

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

7 (J) the quality of the diets of incarcerated
8 people relative to the Dietary Guidelines for
9 Americans published by the Department of
10 Health and Human Services and the Depart-
11 ment of Agriculture;

12 (K) the levels of noise in areas where in-
13 carcerated people spend or are required to
14 spend significant amounts of time; and

15 (L) how the noise levels described in sub-
16 paragraph (K) compare to guidance issued by
17 the Centers for Disease Control and the Occu-
18 pational Safety and Health Administration.

19 (2) DATA PRINCIPLES.—The Director, the Di-
20 rector of the United States Marshals Service, the
21 Director of U.S. Immigration and Customs Enforce-
22 ment, and the Director of the Bureau of Indian Af-
23 fairs shall ensure that the data published under
24 paragraph (1)—

1 (A) reflect conditions at the point of use or
2 exposure of incarcerated people;

3 (B) abide by the principles of findability,
4 accessibility, interoperability, and reusability, as
5 commonly defined in scientific literature;

6 (C) are timely and freely available;

7 (D) are published in a machine-readable
8 file format, to support academic research, jour-
9 nalist investigation, and advocacy;

10 (E) to the extent practicable, are provided
11 in a format and are accompanied by informa-
12 tion, such as the number of incarcerated people
13 at the facility and capacity of the facility, that
14 facilitates use by the judicial system in deter-
15 mining sentencing and eligibility for incarcer-
16 ation diversion programs;

17 (F) to the extent practicable, while main-
18 taining anonymity, are disaggregated by facil-
19 ity, State, location, race, ethnicity, immigration
20 status, native language, sexual orientation, sex,
21 gender, educational achievement, age, disability
22 status, pregnancy status, duration of sentence,
23 previous incarceration history, and category of
24 the criminal charge against the person;

1 (G) to the extent practicable, are
2 disaggregated to levels that track exposure at
3 the level of discrete individuals, ensuring that
4 personally identifiable information is removed;
5 and

6 (H) to the extent practicable, include infor-
7 mation on economic cost and years of life lost
8 associated with the cumulative exposure of in-
9 carcerated people and carceral facility staff to
10 environmental stressors at Federal carceral fa-
11 cilities.

12 (b) ADVISORY PANEL.—

13 (1) ESTABLISHMENT.—Not later than 1 year
14 after the date of enactment of this Act, the Director,
15 in coordination with the Director of the United
16 States Marshals Service, the Director of U.S. Immi-
17 gration and Customs Enforcement, and the Director
18 of the Bureau of Indian Affairs, in consultation with
19 the Administrator of the Environmental Protection
20 Agency, shall establish and provide resources for an
21 independent advisory panel authorized to—

22 (A) conduct research on environmental
23 health at all Federal carceral facilities;

1 (B) provide recommendations to increase
2 monitoring of environmental stressors at all
3 Federal carceral facilities;

4 (C) provide recommendations for policy
5 interventions to mitigate and adapt to environ-
6 mental health threats at all Federal carceral fa-
7 cilities;

8 (D) advise on which environmental
9 stressors arise from factors within Federal
10 carceral facilities and which environmental
11 stressors arise from factors external to Federal
12 carceral facilities, and advise on interagency
13 collaborations to mitigate these external factors;
14 and

15 (E) advise on any emergency management
16 protocols established to respond to environ-
17 mental health threats at facilities.

18 (2) MEMBERS.—The advisory panel established
19 under paragraph (1) shall be comprised of public
20 health researchers and experts, currently and for-
21 merly incarcerated people, people currently and for-
22 merly incarcerated in juvenile justice systems,
23 carceral facility staff, carceral facility staff union
24 leaders, organizations that seek to improve the envi-
25 ronmental health of incarcerated people and people

1 incarcerated in juvenile justice systems, and commu-
2 nity-based organizations that represent currently
3 and formerly incarcerated people.

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

12 (1) applicable recommendations described in
13 subsection (b);

14 (2) the prevalence and quantitative measure-
15 ments of the environmental stressors described in
16 section 4(a)(1); and

17 (3) compiled narratives or qualitative data pro-
18 vided by incarcerated people, formerly incarcerated
19 people who were released from custody not more
20 than 5 years before the date on which the report is
21 submitted, and carceral facility staff on environ-
22 mental health conditions.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as are nec-

1 essary to carry out the monitoring and data reporting re-
2 quirements under this section.

3 **SEC. 5. COMMUNICATING HEALTH INFORMATION AND OP-**
4 **TIONS.**

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

14 (1) the prevalence and quantitative measure-
15 ments of environmental stressors in the respective
16 Federal carceral facility, including the data made
17 available under section 4(a)(1).

18 (2) the risk of exposure to environmental
19 stressors known to present a threat to environmental
20 health in the respective Federal carceral facility to—

21 (A) the general incarcerated population;

22 (B) vulnerable populations within the gen-
23 eral incarcerated population; and

24 (C) carceral facility staff;

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

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

11 (A) associated costs and lower-cost or cost-
12 free alternatives; and

13 (B) instructions on how incarcerated peo-
14 ple and carceral facility staff can avail them-
15 selves of these options.

16 (b) OTHER FEDERAL CARCERAL FACILITIES.—Not
17 later than 5 years after the date of enactment of this Act,
18 the Director of the United States Marshals Service, the
19 Director of U.S. Immigration and Customs Enforcement,
20 and the Director of the Bureau of Indian Affairs shall con-
21 duct assessments of existing data and establish regula-
22 tions substantially similar to the regulations established
23 under subsection (a) for each Federal carceral facility
24 under their respective jurisdictions.

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

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

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

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

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

21 (e) PUBLICATION OF INFORMATION.—

22 (1) BUREAU OF PRISONS.—Not later than 60
23 days after information is first provided to the rel-
24 evant incarcerated people and carceral facility staff
25 pursuant to the regulations promulgated under sub-

1 section (a), the Director shall make that information
2 and any associated material available on a publicly
3 accessible website.

4 (2) OTHER FEDERAL CARCERAL FACILITIES.—

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

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

1 **SEC. 6. NATIONAL ENVIRONMENTAL POLICY ACT CONSID-**
2 **ERATIONS.**

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

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

1 (c) CONTENT OF ENVIRONMENTAL IMPACT STATE-
2 MENTS.—

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

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

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

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

22 (f) INCLUSION IN AGENCY RECORD OF DECISION.—
23 The relevant Federal agency shall include in its record of
24 decision or finding of no significant impact, as applicable,
25 prepared for any review process subject to the National

1 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
2 seq.) a summary of how the feedback from incarcerated
3 people and carceral facility staff pursuant to subsection
4 (e) was factored into the agency’s decision-making pro-
5 cess.

6 **SEC. 7. PROCUREMENT LANGUAGE.**

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

20 **SEC. 8. CREATING MODEL PROGRAMS FOR ENVIRON-**
21 **MENTAL HEALTH IMPROVEMENTS.**

22 (a) FEASIBILITY STUDIES.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this Act, the Director, in
25 coordination with the Director of the United States

1 Marshals Service, the Director of U.S. Immigration
2 and Customs Enforcement, and the Director of the
3 Bureau of Indian Affairs, in consultation with the
4 advisory panel established under section 4(b), shall
5 conduct and make publicly available feasibility stud-
6 ies to investigate the potential environmental health
7 benefits of improvements to carceral facilities for in-
8 carcerated people, carceral facility staff, and resi-
9 dents of surrounding communities.

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

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

22 (4) FACILITIES.—At least one facility under the
23 jurisdiction of each of the Bureau of Prisons, the
24 United States Marshals Service, U.S. Immigration
25 and Customs Enforcement, and the Bureau of In-

1 dian Affairs shall be the subject of a feasibility study
2 required under paragraph (1).

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

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

15 (B) fire safety;

16 (C) water treatment, filtration, and soft-
17 ening;

18 (D) asbestos abatement;

19 (E) pest, mold, and communicable disease
20 abatement;

21 (F) natural light;

22 (G) noise pollution;

23 (H) waste management;

24 (I) opportunities for exercise available to
25 incarcerated people;

1 (J) green space, including gardens, indoor
2 plants, and other healthy vegetation visible to
3 incarcerated people; and

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

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

16 (1) the size of the vulnerable population at the
17 Federal carceral facility;

18 (2) the known prevalence of environmental
19 stressors at the Federal carceral facility;

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

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

1 (5) the age of the environmental health infra-
2 structure of the Federal carceral facility.

3 (c) FEEDBACK.—The Director, in coordination with
4 the Director of the United States Marshals Service, the
5 Director of U.S. Immigration and Customs Enforcement,
6 and the Director of the Bureau of Indian Affairs, shall
7 solicit feedback on the feasibility studies conducted under
8 subsection (a)(1) by—

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

11 (A) incarcerated people and formerly incar-
12 cerated people;

13 (B) Federal carceral facility staff;

14 (C) family and friends of incarcerated peo-
15 ple;

16 (D) contractors of Federal carceral facili-
17 ties;

18 (E) relevant community-based organiza-
19 tions;

20 (F) relevant organizations;

21 (G) healthcare providers; and

22 (H) public health researchers; and

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

25 (d) FACILITY IMPROVEMENTS.—

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

18 (2) CONSIDERATIONS.—In carrying out para-
19 graph (1), the Director, in coordination with the Di-
20 rector of the United States Marshals Service, the
21 Director of U.S. Immigration and Customs Enforce-
22 ment, and the Director of the Bureau of Indian Af-
23 fairs, shall take into account—

24 (A) the feasibility studies conducted under
25 subsection (a)(1); and

1 (B) the feedback received pursuant to sub-
2 section (c).

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

5 (A) improve infrastructure in carceral fa-
6 cilities relating to air quality, ventilation, tem-
7 perature, water quality, water treatment, waste
8 management, noise pollution, and light pollu-
9 tion;

10 (B) increase the access of incarcerated
11 people and carceral facility staff to natural light
12 and green space;

13 (C) establish, support, or expand opportu-
14 nities for incarcerated people to grow or raise
15 nutritious and culturally relevant food through
16 organic farming, hydroponics, or greenhouses to
17 be consumed by incarcerated people within the
18 carceral facility at which the food is grown;

19 (D) improve the nutrition of meals served
20 to incarcerated people, including when feasible
21 by serving fresh fruits and vegetables at no ad-
22 ditional charge;

23 (E) improve the occupational health and
24 safety of incarcerated people by providing per-

1 sonal protective equipment and establishing
2 safer work opportunities;

3 (F) educate incarcerated people and
4 carceral facility staff on strategies and options
5 to minimize exposure to environmental stressors
6 and otherwise safeguard or improve environ-
7 mental health;

8 (G) train carceral facility staff to recognize
9 signs of illness relating to environmental health
10 and appropriately intervene to mitigate the en-
11 vironmental stressors causing such illnesses;

12 (H) establish, support, or expand pretrial
13 diversion, reentry, compassionate release, and
14 other programs that provide an alternative to
15 incarceration, especially for vulnerable popu-
16 lations;

17 (I) improve access to quality medical care
18 from non-profit providers for incarcerated peo-
19 ple and carceral facility staff, including physical
20 and mental health care, ensure medical per-
21 sonnel in carceral facilities are adequately
22 trained to detect and treat illnesses related to
23 environmental health, and facilitate the transfer
24 of health records to community providers as

1 people exit the criminal justice system to facili-
2 tate continuity of care; and

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

9 (4) COMPENSATION OF COMMUNITY BASED OR-
10 GANIZATIONS.—Funds may be used to compensate
11 community based organizations and other non-profit
12 organizations that support or further the improve-
13 ments and programs listed under paragraph (3).

14 (5) RESTRICTION.—In carrying out this sub-
15 section—

16 (A) funds may not be used to carry out in-
17 frastructure improvements or actions that in-
18 crease the capacity of Federal carceral facilities
19 to hold additional incarcerated people;

20 (B) funds may not be used to pay carceral
21 facility staff; and

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

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

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

14 (8) REPORT.—Not later than 1 year after the
15 completion of the programs established under para-
16 graph (1), the Director, in coordination with the Di-
17 rector of the U.S. Marshals Service, the Director of
18 U.S. Immigration and Customs Enforcement, and
19 the Director of the Bureau of Indian Affairs, shall
20 submit to the appropriate congressional committees
21 a report detailing the outcomes of the programs es-
22 tablished, supported, or expanded under paragraph
23 (1), including—

24 (A) quantitative indicators of the success
25 of the programs at improving the environmental

1 health of incarcerated people and carceral facil-
2 ity staff, including, when feasible, data
3 disaggregated by race, ethnicity, sex, gender,
4 primary language, age, disability status, sexu-
5 ality, and, in the case of an incarcerated per-
6 son, the category of the criminal charge against
7 the person;

8 (B) relevant quantitative and qualitative
9 evaluations of incarcerated people and carceral
10 facility staff on the perceived impact of the pro-
11 gram; and

12 (C) strategies to replicate the programs at
13 other Federal carceral facilities.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$10,000,000 for each of fiscal years 2025 through 2029.

17 **SEC. 9. GRANT PROGRAM TO IMPROVE ENVIRONMENTAL**

18 **HEALTH OUTCOMES FOR PEOPLE IN STATE,**

19 **LOCAL, AND TRIBAL CARCERAL FACILITIES.**

20 (a) DEFINITIONS.—In this section:

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

23 (A) a State government;

24 (B) a local government; or

1 (C) a federally recognized Tribal govern-
2 ment.

3 (2) PROGRAM.—The term “Program” means
4 the Environmental Health for Incarcerated People
5 Grant Program established under subsection (b).

6 (3) STATE.—The term “State” means any
7 State of the United States, the District of Columbia,
8 the Commonwealth of Puerto Rico, the Virgin Is-
9 lands, Guam, American Samoa, and the Common-
10 wealth of the Northern Mariana Islands.

11 (b) ESTABLISHMENT.—There is established within
12 the Office of Environmental Justice and External Civil
13 Rights of the Environmental Protection Agency the Envi-
14 ronmental Health for Incarcerated People Grant Program.

15 (c) AWARDS.—Not later than 1 year after the date
16 of enactment of this Act, the Administrator of the Envi-
17 ronmental Protection Agency, acting through the Assist-
18 ant Administrator of the Office of Environmental Justice
19 and External Civil Rights, shall award grants under the
20 Program to eligible entities for the purpose of decreasing
21 the size of the incarcerated population, updating, install-
22 ing, or retrofitting infrastructure, or establishing, sup-
23 porting, or expanding programs in State, local, and Tribal
24 carceral facilities to improve environmental health out-

1 comes for incarcerated people and carceral facility staff
2 pursuant to subsection (g).

3 (d) APPLICATIONS.—An eligible entity seeking a
4 grant under the Program shall submit to the Office of En-
5 vironmental Justice and External Civil Rights an applica-
6 tion at such time, in such manner, and containing such
7 information as the Assistant Administrator of the Office
8 of Environmental Justice and External Civil Rights may
9 require.

10 (e) CONSULTATION.—In awarding grants under the
11 Program, the Assistant Administrator of the Office of En-
12 vironmental Justice and External Civil Rights shall con-
13 sult stakeholders, such as—

14 (1) relevant community-based organizations,
15 such as organizations that represent incarcerated
16 and formerly incarcerated people including people
17 currently and formerly incarcerated in juvenile se-
18 cure facilities and civil commitment facilities, and
19 organizations that seek to improve environmental
20 health outcomes for incarcerated people and carceral
21 facility staff;

22 (2) environmental and public health researchers
23 and policy experts; and

24 (3) relevant advocacy organizations.

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

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

7 (2) the known prevalence of environmental
8 stressors in or near carceral facilities under the ju-
9 risdiction of the eligible entity;

10 (3) the degree to which grants would fill gaps
11 in data on environmental health variables described
12 in subsection (g) at State, local, and Tribal carceral
13 facilities;

14 (4) the proximity of carceral facilities under the
15 jurisdiction of the eligible entity to sources of pollu-
16 tion, such as landfills, factories, and Superfund
17 sites; and

18 (5) the extent to which the eligible entity has
19 demonstrated a commitment to improving the envi-
20 ronmental health of incarcerated people, including
21 by making—

22 (A) prior investments in environmental
23 health infrastructure at carceral facilities; and

1 (B) prior efforts to comply with court-or-
2 dered schedules to meet environmental stand-
3 ards at carceral facilities.

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

11 (1) improving infrastructure in carceral facili-
12 ties relating to air quality, ventilation, temperature,
13 shade, water quality, water treatment, waste man-
14 agement, noise pollution, or light pollution;

15 (2) increasing the access of incarcerated people
16 and carceral facility staff to natural light and green
17 space;

18 (3) establishing, supporting, or expanding op-
19 portunities for incarcerated people to grow or raise
20 nutritious and culturally relevant food through or-
21 ganic farming, hydroponics, or greenhouses to be
22 consumed by incarcerated people within the carceral
23 facility at which the food is grown;

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

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

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

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

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

20 (9) improving access to quality medical care
21 from non-profit providers for incarcerated people
22 and carceral facility staff, including physical and
23 mental health care, ensuring medical personnel in
24 carceral facilities are adequately trained to detect
25 and treat illnesses related to environmental health,

1 and facilitating the transfer of health records to
2 community providers as people exit the criminal jus-
3 tice system to facilitate continuity of care; or

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

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

16 (i) RESTRICTIONS.—In carrying out this sub-
17 section—

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

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

24 (3) an eligible entity may not use more than 5
25 percent of amounts from a grant awarded under the

1 Program to facilitate the aims pursuant to sub-
2 section (g)(9) or purchase rapid response items pur-
3 suant to subsection (g)(10).

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

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

8 (1) implement the program or initiative funded
9 by the grant; and

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

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

24 (B) relevant quantitative and qualitative
25 evaluations of incarcerated people and carceral

1 facility staff on the perceived impact of the pro-
2 gram or initiative;

3 (C) strategies to sustain the program or
4 initiative beyond the duration of the grant;

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

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

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

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

22 (n) DISTRIBUTION OF FUNDS.—Not less than 15
23 percent of funds appropriated under this section shall be
24 directed to support programs and initiatives that benefit
25 Tribal carceral facilities.

1 **SEC. 10. REPORT ON MITIGATION AND ADAPTATION MEAS-**
2 **URES.**

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

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

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

15 (B) improve indoor air quality;

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

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

22 (E) increase opportunities for incarcerated
23 people and staff of Federal carceral facilities to
24 access natural light and green space;

1 (F) ensure incarcerated people have access
2 to a healthy, culturally relevant, and nutritious
3 diet;

4 (G) abate asbestos, pests, mold, and com-
5 municable diseases;

6 (H) improve the occupational health and
7 safety of incarcerated laborers and carceral fa-
8 cility staff; and

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

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

20 (3) evaluations from incarcerated people de-
21 scribing the extent to which the measures and plans
22 described under paragraphs (1) and (2) are condu-
23 cive to improving or protecting the environmental
24 health of vulnerable populations within Federal
25 carceral facilities; and

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

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

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

7 (1) being placed in solitary confinement;

8 (2) having employment terminated;

9 (3) being placed on employment leave;

10 (4) being assigned to unfavorable labor;

11 (5) being transferred to a different cell, cell-
12 block, or facility;

13 (6) having privileges revoked; or

14 (7) being subjected to unequal enforcement of
15 policies.

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

20 (1) requesting, responding to requests for, or
21 volunteering information pursuant to this Act on en-
22 vironmental health conditions in any Federal
23 carceral facility, including requesting information
24 collected pursuant to section 4, serving on or com-
25 municating with the advisory panel established

1 under section 4, or providing evaluations for inclu-
2 sion in the reports submitted under sections 4, 8,
3 and 10; or

4 (2) filing an administrative complaint pursuant
5 to subsection (f).

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

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

18 (2) filing an administrative complaint pursuant
19 to subsection (f).

20 (d) CAUSE OF ACTION.—Notwithstanding section 7
21 of the Civil Rights of Institutionalized Persons Act (42
22 U.S.C. 1997e), any person who alleges penalization or re-
23 taliation in violation of subsection (b) or (c) may bring
24 an action under this subsection against the Federal, State,
25 local, or Tribal government in the district court of the

1 United States for the district in which the facility at which
2 the violation is alleged to have occurred is located, for the
3 relief available under subsection (e).

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

6 (1) mandatory or prohibitive injunctive relief to
7 prevent or terminate any acts in violation of sub-
8 section (b) or (c);

9 (2) damages for wages lost due to penalization
10 or retribution in violation of subsection (b) or (c);
11 and

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

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

20 (g) FEDERAL VIOLATIONS.—Upon receiving an ad-
21 ministrative complaint pursuant to subsection (f), the At-
22 torney General, acting through the Director, may take dis-
23 ciplinary action against carceral facility staff who violate
24 subsection (b).

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

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

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

○