

SEC. 6. PRIVATE CAUSE OF ACTION.

(a) CIVIL ACTION FOR INJURY.—Any person who is injured by a violation of section 3 may bring a civil action in the appropriate United States district court against any person, entity, or other relevant party who violated such section for—

(1) declaratory and injunctive relief, including directing the closure of the facility, building, or unit where the violation took place if such facility, building, or unit is in repeated and systemic noncompliance with such section; and

(2) such money damages as the court determines appropriate, including damages for emotional pain and suffering.

(b) ADDITIONAL AWARDS.—In a civil action brought pursuant to subsection (a), the court, in addition to any other relief awarded under such subsection, may award reasonable attorney's fees and costs of the action to the prevailing plaintiff.

(c) CIVIL ACTION FOR CONSTITUTIONAL VIOLATION.—

(1) IN GENERAL.—Any person who is injured by any action by a Federal official or a person contracting with a Federal agency in a Federal facility, in violation of the Constitution of the United States, may bring a civil action in the appropriate United States district court against such official, person, or agency for—

(A) declaratory and injunctive relief, including directing the closure of the facility, building, or unit where the violation took place; and

(B) such money damages as the court determines appropriate, including damages for emotional pain and suffering.

(2) ADDITIONAL AWARDS.—In an action filed pursuant to paragraph (1), the court, in addition to any other relief awarded under such paragraph, may award reasonable attorney's fees and costs of the action to the prevailing plaintiff.

SEC. 7. RULEMAKING.

The Secretary, the Director of U.S. Immigration and Customs Enforcement, and the Commissioner of U.S. Customs and Border Protection shall prescribe rules, in accordance with section 553 of title 5, United States Code, to carry out this Act and the amendments made by this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 9. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date that is 18 months after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. COONS, and Mr. SCHATZ):

S. 4121. A bill to reform the use of solitary confinement and other forms of restrictive housing in the Bureau of Prisons and the United States Marshals Service, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Solitary Confinement Reform Act”.

SEC. 2. SOLITARY CONFINEMENT REFORMS.

(a) AMENDMENT.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

“§ 4052. Solitary confinement

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATIVE MAXIMUM FACILITY.—The term ‘administrative maximum facility’ means a maximum-security facility, including the United States Penitentiary Administrative Maximum facility in Florence, Colorado, designed to house inmates who present an ongoing significant and serious threat to other inmates, staff, and the public.

“(2) ADMINISTRATIVE SEGREGATION.—The term ‘administrative segregation’ means a nonpunitive form of separation of an inmate from the general population of a correctional facility for—

“(A) investigative, protective, or preventative reasons resulting from a substantial and immediate threat; or

“(B) transitional reasons, including a pending transfer, pending classification, or other temporary administrative matter.

“(3) APPROPRIATE LEVEL OF CARE.—The term ‘appropriate level of care’ means the appropriate treatment setting for mental health care that an inmate with mental illness requires, which may include outpatient care, emergency or crisis services, day treatment, supported residential housing, infirmary care, or inpatient psychiatric hospitalization services.

“(4) COVERED FACILITY.—The term ‘covered facility’ means—

“(A) with respect to the Bureau of Prisons, a facility under the administration of the Bureau of Prisons, or a facility under contract with the Bureau of Prisons to provide housing for inmates in Federal custody; or

“(B) a facility under contract with the United States Marshals Service to provide housing for inmates in Federal custody.

“(5) DISCIPLINARY HEARING OFFICER.—The term ‘disciplinary hearing officer’ means an individual who—

“(A) in the case of—

“(i) the Bureau of Prisons or the United States Marshals Service, is an employee who is a supervisory or administrative officer who is employed in the office of the regional director, central office, or district office; or

“(ii) a facility that contracts with the Bureau of Prisons or the United States Marshals Service, is the designee of the Director of the Bureau of Prisons or the Director of the United States Marshals Service; and

“(B) is responsible for conducting disciplinary hearings for which solitary confinement may be a sanction, as described in section 541.8 of title 28, Code of Federal Regulations, or any successor thereto.

“(6) DISCIPLINARY SEGREGATION.—The term ‘disciplinary segregation’ means a form of separation from the general population of a facility imposed only by a disciplinary hearing officer as a response to an inmate committing a significant and serious disciplinary infraction.

“(7) INTELLECTUAL DISABILITY.—The term ‘intellectual disability’ means a mental impairment characterized by significant limitations in both intellectual functioning and adaptive behavior.

“(8) MENTAL ILLNESS.—The term ‘mental illness’ means a diagnosable mental, behavioral, or emotional disorder that—

“(A) is of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

“(B) has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities.

“(9) MULTIDISCIPLINARY STAFF COMMITTEE.—The term ‘multidisciplinary staff committee’ means a committee—

“(A) comprised of staff at the facility where an inmate resides who are responsible for reviewing the initial placement of the inmate in solitary confinement and any extensions of time in solitary confinement; and

“(B) which shall include—

“(i) not less than 1 licensed mental health professional;

“(ii) not less than 1 medical professional; and

“(iii) not less than 1 member of the leadership of the facility.

“(10) OMBUDSMAN.—The term ‘Ombudsman’ means the Ombudsman for the Civil Rights of Incarcerated People established in subsection (e).

“(11) ONGOING SIGNIFICANT AND SERIOUS THREAT.—The term ‘ongoing significant and serious threat’ means an ongoing set of circumstances that requires the highest level of security and staff supervision for an inmate who—

“(A) has engaged in assaultive, predacious, or riotous behavior, or seriously attempted escape; and

“(B) poses a specific risk of physical injury to other inmates, staff, or the public.

“(12) PROTECTION CASE.—The term ‘protection case’ means an inmate who, by the request of the inmate or through a staff determination, requires protection, as described by section 541.23(c)(3) of title 28, Code of Federal Regulations, or any successor thereto.

“(13) SERIOUS MENTAL ILLNESS.—The term ‘serious mental illness’ means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

“(14) SIGNIFICANT AND SERIOUS DISCIPLINARY INFRACTION.—The term ‘significant and serious disciplinary infraction’ means—

“(A) an act of violence that either—

“(i) resulted in or was likely to result in serious injury or death to another; or

“(ii) occurred in connection with any act of nonconsensual sex;

“(B) an escape, attempted escape, or conspiracy to escape from within a security perimeter or custody, or both;

“(C) possession of weapons; or

“(D) possession of illegal narcotics with intent to distribute.

“(15) SOLITARY CONFINEMENT.—The term ‘solitary confinement’ means confinement characterized by substantial isolation in a cell, alone or with other inmates, including administrative segregation, disciplinary segregation, and confinement in any facility designated by the Bureau of Prisons or the United States Marshals Service as a special housing unit, a special management unit, an administrative maximum facility, or any other housing area that is separate from or in any way more restrictive than the general population of the facility in terms of hours out of cell, programming, services, congregate engagement with other people, visits, communications, items, or any other aspect of daily living.

“(16) SPECIAL ADMINISTRATIVE MEASURES.—The term ‘special administrative measures’ means measures used to—

“(A) prevent disclosure of classified information upon written certification to the Attorney General by the head of an element of the intelligence community (as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) that the unauthorized disclosure of such information would pose a threat to national security and that there is a danger that the inmate will disclose such information, as described by section 501.2 of title 28, Code of Federal Regulations, or any successor thereto; or

“(B) protect persons against the risk of death or serious bodily injury, upon written notification to the Director of the Bureau of Prisons by the Attorney General or, at the Attorney General’s direction, by the head of a Federal law enforcement agency, or the head of an element of the intelligence community (as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), that there is a substantial risk that the communications of an inmate or contacts by the inmate with other persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons, as described by section 501.3 of title 28, Code of Federal Regulations, or any successor thereto.

“(17) SPECIAL HOUSING UNIT.—The term ‘special housing unit’ means a housing unit in a covered facility, in which inmates are securely separated from the general inmate population for disciplinary or administrative reasons, as described in section 541.21 of title 28, Code of Federal Regulations, or any successor thereto.

“(18) SPECIAL MANAGEMENT UNIT.—The term ‘special management unit’ means a nonpunitive housing program with multiple, step-down phases for inmates whose history, behavior, or situation requires enhanced management approaches in order to ensure the safety of other inmates, the staff, and the public.

“(19) SUBSTANTIAL AND IMMEDIATE THREAT.—The term ‘substantial and immediate threat’ means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the physical safety of an inmate, other inmates, staff, or the public.

“(b) USE OF SOLITARY CONFINEMENT.

“(1) IN GENERAL.—The placement of a Federal inmate in solitary confinement within a covered facility shall be limited to situations in which such confinement—

“(A) is limited to the briefest term and the least restrictive conditions practicable, including not less than 4 hours of out-of-cell time every day, which may include work assignments, staff-led programs, peer-led programs, volunteer programs, time in a day room or recreation area with at least several other people, meals, or other similar congregate activities with at least several other people in a group setting conducive to meaningful human interaction, unless the inmate poses a substantial and immediate threat;

“(B) is consistent with the rationale for placement and with the progress achieved by the inmate;

“(C) allows the inmate to participate in meaningful work assignments and programming opportunities and privileges as consistent with those available in the general population as practicable, either individually or in a congregate setting;

“(D) allows the inmate to have as much meaningful interaction with others, such as other inmates, visitors, clergy, licensed mental and physical health professionals, or through social and legal telephone calls, as practicable;

“(E) allows the inmate access to all routine and emergency medical services; and

“(F) complies with the provisions of this section.

“(2) TRANSITIONAL PROCESS FOR INMATES IN SOLITARY CONFINEMENT.—

“(A) INMATES WITH UPCOMING RELEASE DATES.—The Director of the Bureau of Prisons shall establish—

“(i) policies to ensure that an inmate with an anticipated release date of 180 days or less is not housed in solitary confinement, unless—

“(I) such confinement is limited to not more than 5 days of administrative segrega-

tion relating to the upcoming release of the inmate; or

“(II) the inmate poses a substantial and immediate threat; and

“(ii) a transitional process for each inmate with an anticipated release date of 180 days or less who is held in solitary confinement under clause (i)(II), which shall include—

“(I) substantial re-socialization programming in a group setting;

“(II) regular mental health counseling to assist with the transition; and

“(III) re-entry planning services offered to inmates in a general population setting.

“(B) INMATES IN LONG-TERM SOLITARY CONFINEMENT.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each establish a transitional process for each inmate who has been held in solitary confinement for more than 30 days and who will transition into a general population unit, which shall include—

“(i) substantial re-socialization programming in a group setting; and

“(ii) regular mental health counseling to assist with the transition.

“(3) PROTECTIVE CUSTODY UNITS.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service—

“(A) shall establish within the Federal prison system additional general population protective custody units that provide sheltered general population housing to protect inmates from harm that they may otherwise be exposed to in a typical general population housing unit;

“(B) shall establish policies to ensure that an inmate who is considered a protection case shall, upon request of the inmate, be placed in a general population protective custody unit;

“(C) shall create an adequate number of general population protective custody units to—

“(i) accommodate the requests of inmates who are considered to be protection cases; and

“(ii) ensure that inmates who are considered to be protection cases are placed in facilities as close to their homes as practicable;

“(D) may not place an inmate who is considered to be a protection case in solitary confinement due to the status of the inmate as a protection case unless—

“(i) the inmate requests to be placed in solitary confinement, in which case, at the request of the inmate, the inmate shall be transferred to a general population protective custody unit or, if appropriate, a different general population unit; or

“(ii) such confinement is limited to—

“(I) not more than 5 days of administrative segregation; and

“(II) is necessary to protect the inmate during preparation for transfer to a general population protective custody unit or a different general population unit; and

“(E) shall provide any inmate in protective custody access to all of the equivalent programs, services, amenities, including access to communication, and conditions as people in the general population of the facility.

“(4) VULNERABLE POPULATIONS.—A covered facility may not place an inmate in solitary confinement if—

“(A) the inmate is 21 years of age or younger, is 60 years of age or older, has a serious mental illness or disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), has been determined by a licensed mental health professional to likely be significantly adversely affected by placement in solitary confinement, is pregnant or in the first 8 weeks of the postpartum recovery period after giving

birth, or is caring for a child in a facility program, unless—

“(i) the inmate poses a substantial and immediate threat;

“(ii) all other options to de-escalate the situation have been exhausted, including less restrictive techniques such as—

“(I) penalizing the inmate through loss of privileges;

“(II) speaking with the inmate in an attempt to de-escalate the situation; and

“(III) a licensed mental health professional providing an appropriate level of care;

“(ii) such confinement is limited to the briefest term and the least restrictive conditions practicable, including access to medical and mental health treatment;

“(iv) such confinement is reviewed by a multidisciplinary staff committee for appropriateness every 24 hours; and

“(v) as soon as practicable, but not later than 5 days after such confinement begins, the inmate is diverted, upon release from solitary confinement, to—

“(I) a general population unit;

“(II) a protective custody unit described in paragraph (3); or

“(III) a mental health treatment program as described in subsection (c)(2);

“(B) the inmate is lesbian, gay, bisexual, transgender (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), intersex (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), or gender nonconforming (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), if the placement is solely on the basis of such identification or status; or

“(C) the inmate is HIV positive, if the placement is solely on the basis of the HIV positive status of the inmate.

“(5) LIMITATIONS ON THE USE OF RESTRAINTS AND OTHER REQUIREMENTS.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service, or any facility that contracts with the Bureau of Prisons or the United States Marshals Service, shall ensure that—

“(A) no inmate, including individuals in solitary confinement, shall be placed in restraints during out-of-cell time, unless—

“(i) determined to be necessary for safety, security, or mitigation of flight risk during the transportation of an inmate;

“(ii) an individualized determination is made at the time that restraints are necessary to prevent a specific, significant, and unreasonable risk of imminent serious physical injury to other inmates or staff based on concrete and reasonable evidence of such risk; and

“(iii) the least restrictive form of restraints shall be used for no longer than necessary to abate such imminent harm, provided that—

“(I) restraints may not be used for more than 2 hours unless a determination is made that there is an ongoing significant and serious threat of imminent serious physical injury to other inmates or staff, at which time the regional director shall be notified about the continued use of restraints;

“(II) any continued use of restraints shall be meaningfully reviewed at least every 12 hours and discontinued once restraints are no longer necessary to prevent an ongoing significant and serious threat of imminent serious physical injury to other inmates or staff and at each 12-hour interval, the regional director shall be notified about the continued use of restraints; and

“(III) restraints shall not be used for more than 3 days, unless the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, or a designee—

“(aa) provides prior approval for the use of restraints for more than 3 days;

“(bb) makes a written finding that the continued use of restraints is necessary to prevent an ongoing significant and serious risk of imminent serious physical injury to other inmates or staff; and

“(cc) if restraints continue to be used for more than 5 days, at least every 3 days, reviews and approves the continued use of restraints; and

“(B) no limitation on access to services, treatment, visiting, or basic needs, such as provision of clothing, food, and bedding, shall be imposed as a form of punishment or for any other reason except where there is an ongoing significant and serious threat to the physical safety of the inmate, other inmates, or staff;

“(C) no restricted diet or any other change in diet shall be imposed as a form of punishment; and

“(D) an inmate shall—

“(i) always have access to any authorized personal property belonging to the inmate; and

“(ii) regardless of the unit the inmate is housed in or the status the inmate has been assigned, always have access to the commissary and to contact visitation with visitors, except where there is a specific significant risk to the physical safety of the inmate, other inmates, staff, or the public.

“(6) SPECIAL HOUSING UNITS.—The Director of the Bureau of Prisons, the Director of the United States Marshals Service, and any facility that contracts with the Bureau of Prisons or the United States Marshals Service shall—

“(A) limit administrative segregation—

“(i) to situations in which such segregation is necessary to—

“(I) control a substantial and immediate threat that cannot be addressed through alternative housing; or

“(II) temporarily house an inmate pending transfer, pending classification, or pending resolution of another temporary administrative matter; and

“(ii) to a duration of not more than 15 consecutive days, and not more than 20 days in a 60-day period, unless—

“(I) the inmate requests to remain in administrative segregation under paragraph (3)(D)(i); or

“(II) in order to address the continued existence of a substantial and immediate threat, a multidisciplinary staff committee approves a temporary extension, which—

“(aa) may not be longer than 15 days; and

“(bb) shall be reviewed by the multidisciplinary staff committee every 3 days during the period of the extension, in order to confirm the continued existence of the substantial and immediate threat;

“(B) limit disciplinary segregation—

“(i) to situations in which such segregation is necessary to address an inmate who has been found to have committed a significant and serious disciplinary infraction by a disciplinary hearing officer and poses an ongoing significant and serious threat, and alternative sanctions would not adequately regulate the behavior of the inmate;

“(ii) in the case of a prohibited act categorized as a 400-level prohibited act under section 541.3 of title 28, Code of Federal Regulations, or any successor thereto, by prohibiting the use of disciplinary segregation;

“(iii) in the case of a prohibited act categorized as a 300-level prohibited act under section 541.3 of title 28, Code of Federal Regulations, or any successor thereto, by—

“(I) prohibiting the use of disciplinary segregation for the first such prohibited act; and

“(II) limiting disciplinary segregation to a duration of not more than 15 days, for a second or subsequent such prohibited act;

“(iv) in the case of a prohibited act categorized as a 200-level prohibited act under section 541.3 of title 28, Code of Federal Regulations, or any successor thereto, by—

“(I) limiting disciplinary segregation to a duration of not more than 30 days, for the first such prohibited act; and

“(II) limiting disciplinary segregation to a duration of not more than 60 days, for a second or subsequent such prohibited act;

“(v) in the case of a prohibited act categorized as a 100-level prohibited act under section 541.3 of title 28, Code of Federal Regulations, or any successor thereto, by—

“(I) limiting disciplinary segregation to a duration of not more than 60 days, for the first such prohibited act; and

“(II) limiting disciplinary segregation to a duration of not more than 90 days, for a second or subsequent such prohibited act; and

“(vi) in addition to any other limitation under this subparagraph, limiting disciplinary segregation to a duration of not more than 30 consecutive days, and not more than 40 days in any 60-day period, unless a multidisciplinary staff committee, in consultation with the disciplinary hearing officer who presided over the disciplinary hearing for the inmate, determines that the significant and serious disciplinary infraction which the inmate was found to have committed is of such an egregious and violent nature that a longer sanction is appropriate and approves a longer sanction;

“(C) ensure that any time spent in administrative segregation during an investigation into an alleged offense is for as short a duration as possible, is not longer than 15 consecutive days, and is credited as time served for a disciplinary segregation sentence;

“(D) ensure that concurrent sentences are imposed for disciplinary violations arising from the same episode; and

“(E) ensure that an inmate may be released from disciplinary segregation for good behavior before completing the term of the inmate, unless the inmate poses a substantial and immediate threat to the safety of other inmates, staff, or the public.

“(7) SPECIAL MANAGEMENT UNITS.—The Director of the Bureau of Prisons shall eliminate the use of special management units.

“(8) ADMINISTRATIVE MAXIMUM FACILITIES.—The Director of the Bureau of Prisons shall—

“(A) limit segregation in an administrative maximum facility to situations in which such segregation is necessary to—

“(i) implement special administrative measures, as directed by the Attorney General; or

“(ii) house an inmate who has been found to have committed a significant and serious disciplinary infraction by a disciplinary hearing officer and who poses an ongoing significant and serious threat to the safety of other inmates, staff, or the public that cannot be addressed through alternative housing; and

“(B) issue final approval of referral of any inmate who poses an ongoing significant and serious threat for placement in an administrative maximum facility.

“(9) RIGHT TO REVIEW PLACEMENT IN SOLITARY CONFINEMENT.—The Director of the Bureau of Prisons, the Director of the United States Marshals Service, or any facility that contracts with the Bureau of Prisons or the United States Marshals Service, shall ensure that no inmate shall be placed in solitary confinement without—

“(A) written notice provided to the inmate thoroughly detailing the basis for placement or continued placement in solitary confinement not later than 6 hours after the beginning of such placement, including—

“(i) thorough documentation explaining why such confinement is permissible and necessary;

“(ii) thorough documentation explaining the reason an exception applied if—

“(I) an exception under paragraph (2)(A), (3)(D), (4)(A), (6)(A), or (6)(B) is used to justify placement or continued placement in solitary confinement; or

“(II) an exception under paragraph (1) is used to justify increased restrictive conditions in solitary confinement; and

“(iii) thorough documentation explaining a clear plan for returning the individual to less restrictive conditions as promptly as possible;

“(B) a timely, thorough, and continuous review process that—

“(i) occurs not less than 7 days after placement in solitary confinement, and thereafter at least—

“(I) on a weekly basis for an inmate in a special housing unit; and

“(II) on a monthly basis for an inmate at an administrative maximum facility;

“(ii) includes private, face-to-face interviews with a multidisciplinary staff committee;

“(iii) examines whether—

“(I) placement in solitary confinement was and remains necessary;

“(II) the conditions of confinement comply with this section; and

“(III) whether any exception under paragraph (2)(A), (3)(D), (4)(A), (6)(A), or (6)(B) used to justify placement or continued placement in solitary confinement or any exception under paragraph (1) used to justify increased restrictive conditions in solitary confinement was and remains warranted; and

“(iv) includes written findings on the decision for placement in solitary confinement or continued placement in solitary confinement, consistent with paragraph (9)(A), that are electronically retained in the personnel file of the inmate for not less than 3 years from the date of placement;

“(C) a process to appeal the initial placement or continued placement of the inmate in solitary confinement;

“(D) prompt and timely written notice of the appeal procedures; and

“(E) copies of all documents, files, and records relating to the placement of the inmate in solitary confinement, unless such documents contain contraband, classified information, or sensitive security-related information, maintained in a central electronic database for not less than 3 years.

“(C) MENTAL HEALTH CARE FOR INMATES IN SOLITARY CONFINEMENT.—

“(1) MENTAL HEALTH SCREENING.—Not later than 6 hours after an inmate in the custody of a covered facility is placed in solitary confinement, the inmate shall receive a comprehensive, face-to-face mental health evaluation by a licensed mental health professional in a confidential setting.

“(2) MENTAL HEALTH TREATMENT PROGRAM.—An inmate diagnosed with a serious mental illness after an evaluation required under paragraph (1)—

“(A) shall not be placed in solitary confinement except as provided in subsection (b)(4); and

“(B) shall be diverted to a mental health treatment program within the covered facility that provides an appropriate level of care to address the mental health needs of the inmate.

“(3) CONTINUING EVALUATIONS.—After each 10-calendar-day period an inmate is held in continuous placement in solitary confinement—

“(A) a licensed mental health professional shall conduct a comprehensive, face-to-face, out-of-cell mental health evaluation of the inmate in a confidential setting; and

“(B) the Director of the Bureau of Prisons, the Director of the United States Marshals Service, or any facility that contracts with the Bureau of Prisons or the United States Marshals Service, as applicable, shall adjust the placement of the inmate in accordance with this subsection.

“(4) REQUIREMENT.—The Director of the Bureau of Prisons, the Director of the United States Marshals Service, and any facility that contracts with the Bureau of Prisons or the United States Marshals Service shall operate mental health treatment programs in order to ensure that inmates of all security levels with serious mental illness have access to an appropriate level of care.

“(d) TRAINING FOR COVERED FACILITY STAFF.—

“(1) TRAINING.—All employees of a covered facility who interact with inmates on a regular basis shall be required to complete training in—

“(A) the recognition of symptoms of mental illness;

“(B) the potential risks and side effects of psychiatric medications;

“(C) de-escalation techniques for safely managing individuals with mental illness;

“(D) consequences of untreated mental illness;

“(E) the long- and short-term psychological effects of solitary confinement; and

“(F) de-escalation and communication techniques to divert inmates from situations that may lead to the inmate being placed in solitary confinement.

“(2) NOTIFICATION TO MEDICAL STAFF.—An employee of a covered facility shall immediately notify a member of the medical or mental health staff if the employee—

“(A) observes an inmate with signs of mental illness, unless such employee has knowledge that the inmate's signs of mental illness have previously been reported; or

“(B) observes an inmate with signs of a mental health crisis.

“(e) OMBUDSMAN FOR THE CIVIL RIGHTS OF INCARCERATED PEOPLE.—

“(1) IN GENERAL.—Within the Department of Justice, there shall be a position of the Ombudsman for the Civil Rights of Incarcerated People and an Office of the Ombudsman for the Civil Rights of Incarcerated People.

“(2) APPOINTMENT.—

“(A) IN GENERAL.—The Ombudsman shall be appointed by the Attorney General and shall report directly to the Director of the Bureau of Prisons and the Director of the United States Marshals Service.

“(B) QUALIFICATIONS.—The Ombudsman shall have a background in corrections and civil rights and shall have expertise on the effects of prolonged solitary confinement and restrictive housing.

“(3) REPORTING.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall ensure that each covered facility provides multiple internal ways for inmates and others to promptly report civil rights violations and violations of this section to the Ombudsman, including—

“(A) not less than 4 procedures, including written mail correspondence, email correspondence, telephone calls, and in-person interviews, for inmates and others to report civil rights violations and violations of this section to an entity or office that is not part of the facility, and that is able to receive and immediately forward inmate reports to the Ombudsman, allowing the inmate to communicate confidentially and to remain anonymous upon request; and

“(B) not less than 4 procedures, including written mail correspondence, email correspondence, telephone calls, and in-person interviews, for inmates and others to report civil rights abuses and violations of this sec-

tion to the Ombudsman in a confidential manner, allowing the inmate to remain anonymous upon request.

“(4) NOTICE.—

“(A) BUREAU OF PRISONS.—The Director of the Bureau of Prisons shall ensure that each Bureau of Prisons facility and any facility that contracts with the Bureau of Prisons provides inmates with the notice described in subparagraph (C).

“(B) MARSHALS SERVICE.—The Director of the United States Marshals Service shall ensure that each facility that contracts with the United States Marshals Service provides inmates with the notice described in subparagraph (C).

“(C) CONTENTS.—A notice described in this subparagraph shall provide inmates with—

“(i) notice of how to report civil rights violations and violations of this section in accordance with paragraph (3), including—

“(I) notice prominently posted in the living and common areas of each such facility;

“(II) individual notice to inmates at initial intake into the Bureau of Prisons or the United States Marshals Service, when transferred to a new facility, and when placed in solitary confinement;

“(III) notice to inmates with disabilities in accessible formats; and

“(IV) written or verbal notice in a language the inmate understands; and

“(ii) notice of permissible practices related to solitary confinement in the Bureau of Prisons or the United States Marshals Service, including the requirements of this section.

“(5) FUNCTIONS.—The Ombudsman shall—

“(A) review all complaints the Ombudsman receives;

“(B) investigate all complaints that allege a civil rights violation or violation of this section;

“(C) refer all possible violations of law to the Criminal Division or the Inspector General of the Department of Justice;

“(D) refer to the Director of the Bureau of Prisons or the United States Marshals Service allegations of misconduct involving staff of the Bureau of Prisons or the United States Marshals Service, respectively;

“(E) identify areas in which the Bureau of Prisons or the United States Marshals Service can improve the policies and practices of the Bureau to ensure that the civil rights of inmates are protected;

“(F) identify areas in which the Bureau of Prisons or the United States Marshals Service can improve solitary confinement policies and practices and reduce the use of solitary confinement; and

“(G) propose changes to the policies and practices of the Bureau of Prisons and the United States Marshals Service to mitigate problems and address issues the Ombudsman identifies.

“(6) ACCESS.—The Ombudsman—

“(A) shall have unrestricted access to every area of any covered facility;

“(B) shall be able to speak privately and confidentially with inmates and staff; and

“(C) may make unannounced visits to any covered facility.

“(7) ANNUAL REPORTS.—

“(A) IN GENERAL.—Not later than December 31 of each year, the Ombudsman shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the activities of the Office of the Ombudsman for the fiscal year ending in such calendar year and make the report publicly available on a website.

“(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

“(i) contain full and substantive analysis, in addition to statistical information;

“(ii) identify the recommendations the Office of the Ombudsman has made on addressing reported civil rights violations and violations of this section and reducing the use and improving the practices of solitary confinement in covered facilities;

“(iii) contain a summary of problems relating to reported civil rights violations and violations of this section, including a detailed description of the nature of such problems and a breakdown of where the problems occur among covered facilities;

“(iv) contain an inventory of the items described in clauses (ii) and (iii) for which action has been taken and the result of such action;

“(v) contain an inventory of the items described in clauses (ii) and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

“(vi) contain an inventory of the items described in clauses (ii) and (iii) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and shall identify any official of the Bureau of Prisons or the United States Marshals Service who is responsible for such inaction;

“(vii) contain recommendations for such legislative or administrative action as may be appropriate to resolve problems identified in clause (iii); and

“(viii) include such other information as the Ombudsman determines necessary.

“(C) SUBMISSION OF REPORTS.—Each report required under this paragraph shall be provided directly to the Committees described in subparagraph (A) without any prior review, comment, or amendment from the Director of the Bureau of Prisons, the Director of the United States Marshals Service, or any other officer or employee of the Department of Justice, the Bureau of Prisons, or the United States Marshals Service.

“(8) REGULAR MEETINGS WITH THE DIRECTOR.—The Ombudsman shall meet regularly with the Director of the Bureau of Prisons and the Director of the United States Marshals Service to identify problems with reported civil rights violations and the solitary confinement policies and practices of the Bureau of Prisons and the United States Marshals Service, including overuse of solitary confinement, and to present recommendations for such administrative action as may be appropriate to resolve problems relating to reported civil rights violations and the solitary confinement policies and practices of the Bureau of Prisons and the United States Marshals Service.

“(9) RESPONSIBILITIES OF THE BUREAU OF PRISONS AND UNITED STATES MARSHALS SERVICE.—The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall establish procedures requiring that, not later than 90 days after the date on which a recommendation is submitted to the Director of the Bureau of Prisons or the Director of the United States Marshals Service by the Ombudsman, the Director of the Bureau of Prisons or the Director of the United States Marshals Service, as applicable, or another appropriate employee of the agency, issue a formal response to the recommendation and take remedial action to comply with the recommendation.

“(10) NON-APPLICATION OF THE PRISON LITIGATION REFORM ACT.—Inmate reports sent to the Ombudsman may not be considered an administrative remedy under section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by

inserting after the item relating to section 4051 the following:

“4052. Solitary confinement.”.

SEC. 3. REASSESSMENT OF INMATE MENTAL HEALTH.

Not later than 180 days after the date of enactment of this Act, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall—

(1) assemble a team of licensed mental health professionals, which may include licensed mental health professionals who are not employed by the Bureau of Prisons or the United States Marshals Service, to conduct a comprehensive mental health reevaluation for each inmate held in solitary confinement at a covered facility for more than 30 days as of the date of enactment of this Act, including a confidential, face-to-face, out-of-cell interview by a licensed mental health professional; and

(2) adjust the placement of each inmate in accordance with section 4052(c) of title 18, United States Code, as added by section 2.

SEC. 4. DIRECTOR OF THE BUREAU OF PRISONS.

Section 4041 of title 18, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.” before the “The Bureau of Prisons shall be”; and

(2) by adding at the end the following:

“(b) OMBUDSMAN.—The Director of the Bureau of Prisons shall—

“(1) meet regularly with the Ombudsman for the Civil Rights of Incarcerated People appointed under section 4052(e) to identify how the Bureau of Prisons can address reported civil rights violations and reduce the use of solitary confinement and correct problems in the solitary confinement policies and practices of the Bureau;

“(2) conduct a prompt and thorough investigation of each referral from the Ombudsman, through the designees of the Ombudsman, under section 4052(e)(5)(D), and after each such investigation take appropriate disciplinary action against any Bureau of Prisons employee who is found to have engaged in misconduct or to have violated Bureau of Prisons policy, and notify the Ombudsman of the outcome of each such investigation; and

“(3) establish procedures requiring a formal response by the Bureau of Prisons to any recommendation of the Ombudsman in the annual report submitted under section 4052(e)(7) not later than 90 days after the date on which the report is submitted to Congress.”.

SEC. 5. DIRECTOR OF THE UNITED STATES MARSHALS SERVICE.

Section 561 of title 28, United States Code, is amended by adding at the end the following:

“(j) OMBUDSMAN.—The Director of the United States Marshals Service shall—

“(1) meet regularly with the Ombudsman for the Civil Rights of Incarcerated People appointed under section 4052(e) to identify how the United States Marshals Service can address reported civil rights violations and reduce the use of solitary confinement and correct problems in the solitary confinement policies and practices of the United States Marshals Service;

“(2) conduct a prompt and thorough investigation of each referral from the Ombudsman, through the designees of the Ombudsman, under section 4052(e)(5)(D), and after each such investigation take appropriate disciplinary action against any United States Marshals Service employee who is found to have engaged in misconduct or to have violated United States Marshals Service policy, and notify the Ombudsman of the outcome of each such investigation; and

“(3) establish procedures requiring a formal response by the United States Marshals Service to any recommendation of the Om-

budsman in the annual report submitted under section 4052(e)(7) not later than 90 days after the date on which the report is submitted to Congress.”.

SEC. 6. DATA TRACKING OF USE OF SOLITARY CONFINEMENT.

Section 4047 of title 18, United States Code, is amended by adding at the end the following:

“(d) PRISON SOLITARY CONFINEMENT ASSESSMENTS.—

“(1) IN GENERAL.—Not later than March 31 and September 30 of each year, the Director of the Bureau of Prisons and the Director of the United States Marshals Service shall each prepare and transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a semi-annual assessment of the use of solitary confinement (as defined in section 4052(a)) in covered facilities and shall make the respective assessment publicly available on the website of the Bureau of Prisons or the United States Marshals Service, as applicable.

“(2) CONTENTS.—Each assessment submitted under paragraph (1) shall include—

“(A) the policies and regulations of the Bureau of Prisons, including any changes in policies and regulations, and the United States Marshals Service for determining which inmates are placed in each form of solitary confinement, or housing in which an inmate is separated from the general population during the reporting period, and a detailed description of each form of solitary confinement in use, including all maximum and high security facilities, all special housing units, all special management units, all administrative maximum facilities (as defined in section 4052(a)), and all communication management units;

“(B) the total number of inmates and percentage of individuals in the custody of the Bureau of Prisons and the United States Marshals Service, listed separately, who are housed in each type of solitary confinement described in subparagraph (A) at the time of the report, and the total number and the percentage of all inmates who have spent at least some time in each form of solitary confinement during the reporting period;

“(C) the reason for placement, including disciplinary segregation, protective custody, administrative segregation, or other segregation and the length of time in restrictive housing;

“(D) the demographics of all inmates housed in each type of solitary confinement described in subparagraph (A), including race, ethnicity, religion, age, gender identity, mental health care level, pregnancy or post-partum status, or identification as lesbian, gay, bisexual, transgender, intersex, or gender non-conforming;

“(E) the policies and regulations of the Bureau of Prisons and the United States Marshals Service, including any updates in policies and regulations, for subsequent reviews or appeals of the placement of an inmate into or out of solitary confinement;

“(F) the number of reviews of and appeals for each type of solitary confinement placement described in subparagraph (A) that occurred during the reporting period and the number of reviews or appeals that directly resulted in a change of placement;

“(G) a description of the general conditions and restrictions for each type of solitary confinement described in subparagraph (A), including the number of hours spent in confinement in a cell separated from the general population or in restraints, and the percentage of time these conditions involve housing a single inmate in a cell;

“(H) the mean and median length of stay in each form of solitary confinement described in subparagraph (A), based on all in-

dividuals released from solitary confinement during the reporting period, including maximum and high security facilities, special housing units, special management units, administrative maximum facilities, communication management units, and any maximum length of stay during the reporting period;

“(I) the number of inmates who, after a stay of 5 or more days in solitary confinement, were released directly from solitary confinement to the public during the reporting period;

“(J) the individual daily fixed cost for each form of solitary confinement described in subparagraph (A) in use during the reporting period, including as compared with the average daily fixed cost of housing an inmate in the general population;

“(K) statistics for inmate assaults on correctional officers and staff of the Bureau of Prisons or the United States Marshals Service, inmate-on-inmate assaults, and staff-on-inmate use of force incidents in the various forms of solitary confinement described in subparagraph (A) and statistics for such assaults in the general population;

“(L) the policies for mental health screening, mental health treatment, and subsequent mental health reviews for all inmates, including any update to the policies, and any additional screening, treatment, and monitoring for inmates in solitary confinement;

“(M) a statement of the types of mental health staff that conducted mental health assessments for the Bureau of Prisons and the United States Marshals Service during the reporting period, a description of the different positions in the mental health staff of the Bureau of Prisons and the United States Marshals Service, and the number of part- and full-time psychologists and psychiatrists employed by the Bureau of Prisons and the United States Marshals Service during the reporting period;

“(N) data on mental health and medical indicators for all inmates in solitary confinement, including—

“(i) the number of inmates requiring medication for mental health conditions;

“(ii) the number of inmates diagnosed with an intellectual disability;

“(iii) the number of inmates diagnosed with a serious mental illness;

“(iv) the number of suicides;

“(v) the number of attempted suicides and number of inmates placed on suicide watch;

“(vi) the number of instances of self-harm committed by inmates;

“(vii) the number of inmates with physical disabilities, including blind, deaf, and mobility-impaired inmates; and

“(viii) the number of instances of force-feeding of inmates;

“(O) the type and number of hours of programming received by inmates in restrictive housing; and

“(P) any other relevant data.”.

SEC. 7. NATIONAL COORDINATING CENTER ON SOLITARY CONFINEMENT REDUCTION AND REFORM.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term “eligible entity” means an entity, or a partnership of entities, that has demonstrated expertise in the fields of—

(1) solitary confinement, including the reduction and reform of its use; and

(2) providing technical assistance to corrections agencies on how to reduce and reform solitary confinement.

(b) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Bureau of Justice Assistance shall enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of establishing a coordinating center for

State, local, and Federal corrections systems, which shall conduct activities such as—

(1) providing on-site technical assistance and consultation to Federal, State, and local corrections agencies to safely reduce the use of solitary confinement;

(2) acting as a clearinghouse for research, data, and information on the safe reduction of solitary confinement in prisons and other custodial settings, including facilitating the exchange of information between Federal, State, and local practitioners, national experts, and researchers;

(3) creating a minimum of 10 learning sites in Federal, State, and local jurisdictions that have already reduced their use of solitary confinement and that will coordinate with other Federal, State, and local agencies to participate in training, consultation, and other forms of assistance and partnership with these learning sites;

(4) conducting evaluations of jurisdictions that have decreased their use of solitary confinement to determine best practices;

(5) conducting research on the effectiveness of alternatives to solitary confinement, such as step-down or transitional programs, strategies to reintegrate inmates into the general population in a facility, the role of officers and staff culture in reform efforts, and other research relevant to the safe reduction of solitary confinement;

(6) developing and disseminating a toolkit for systems to reduce the excessive use of solitary confinement;

(7) developing and disseminating an online self-assessment tool for State and local jurisdictions to assess their own use of solitary confinement and identify strategies to reduce the use of solitary confinement; and

(8) conducting public webinars to highlight new and promising practices.

(c) ADMINISTRATION.—The program under this section shall be administered by the Bureau of Justice Assistance.

(d) REPORT.—On an annual basis, the co-ordinating center shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on its activities and any changes in solitary confinement policy at the Federal, State, or local level that have resulted from the activities of the co-ordinating center.

(e) DURATION.—The Bureau of Justice Assistance shall enter into a cooperative agreement under this section for 5 years.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated—

(1) to the Director of the Bureau of Prisons such sums as may be necessary to carry out sections 2, 3, 4, and 6, and the amendments made by such sections;

(2) to the Director of the United States Marshals Service such sums as may be necessary to carry out sections 2, 3, 5, and 6, and the amendments made by such sections; and

(3) to the Bureau of Justice Assistance such sums as may be necessary to carry out section 7.

SEC. 9. REGULATIONS.

The Director of the Bureau of Prisons and the Director of the United States Marshals Service shall prescribe rules, in accordance with section 553 of title 5, United States Code, to carry out this Act and the amendments made by this Act.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, this Act and the amendments made by this Act shall take effect 18 months after the date of enactment of this Act.

(b) CONTRACTORS.—For facilities that contract with the Bureau of Prisons or the United States Marshals Services, this Act and the amendments made by this Act shall

apply to contracts finalized and entered into after the effective date of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 640—COMMEMORATING AND SUPPORTING THE GOALS OF “WORLD QUANTUM DAY”

Mr. YOUNG (for himself, Ms. HASSAN, Mrs. BLACKBURN, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 640

Whereas quantum physics describes nature at the scale of atoms and subatomic particles;

Whereas “World Quantum Day” is celebrated by scientists in more than 70 countries to promote public understanding of quantum science and technology around the world;

Whereas the United States has recognized quantum information science, engineering, and technology as a key technology area for economic competition;

Whereas quantum physics helps us to understand and develop technologies critical to everyday life, such as GPS, semiconductors, and lasers;

Whereas quantum information science is a multidisciplinary field, bridging science, technology, engineering, and mathematics (referred to in this preamble as “STEM”);

Whereas STEM is a critical part of education for children, and aptitude in STEM is essential for a knowledge-based society and for economic competition;

Whereas the United States needs to reinforce STEM education for all students in order to better prepare children for future careers in emerging technologies, including quantum, to succeed in a 21st-century economy;

Whereas STEM can be a fun and interesting part of education for children, and learning about quantum principles of superposition and entanglement can be an engaging way to teach children and attract the children to study STEM;

Whereas the Planck constant is a fundamental constant governing quantum physics, which is used to define universal measurements such as the kilogram; and

Whereas the rounded first significant digits of the Planck constant are 4.14, and thus April 14 of each year is internationally recognized as “World Quantum Day”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of “World Quantum Day” to recognize and celebrate the role that quantum physics plays in our daily lives; and

(2) encourages schools and educators to observe the day with appropriate activities that teach students about quantum physics and engage students in the study of science, technology, engineering, and mathematics.

SENATE RESOLUTION 641—DESIGNATING THE WEEK OF APRIL 7 THROUGH APRIL 13, 2024, AS “NATIONAL WATER WEEK”

Mr. SULLIVAN (for himself, Mr. PADILLA, Ms. LUMMIS, Mr. CRAMER, Mr. WARNOCK, Mr. RICKETTS, Mr. CARPER, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 641

Whereas each community in the United States, both large and small, and urban, rural, and Tribal, deserves to have access to affordable, safe, and clean drinking water, sanitation, and other critical water infrastructure;

Whereas more than 2,000,000 people in the United States lack access to running water, indoor plumbing, or wastewater services;

Whereas small, rural, and disadvantaged community water systems struggle to make needed investments while keeping rates affordable;

Whereas Federal investment in core drinking water, wastewater, stormwater capture, sustainable desalination, and water recycling programs allow local utilities and the customers of those local utilities to have the resources to affordably improve in water reliability and meet Federal regulatory obligations;

Whereas source control is a critical first step to reducing emerging contaminants from entering water systems and the environment, along with advancing the state of the science on the risks of those contaminants, which is essential to protect public health;

Whereas water infrastructure projects often rely on specific products and technologies, and substitutions may not be readily available, so it is critical to consider the realities unique to the water sector, and the near-term challenges that water infrastructure projects face;

Whereas countless disadvantaged communities in the United States struggle to make needed investments in critical water infrastructure while simultaneously keeping rates affordable;

Whereas water research helps solve some of the most pressing challenges for the water sector, such as—

- (1) aging infrastructure;
- (2) emerging contaminants;
- (3) resiliency to extreme weather;
- (4) drought and water scarcity; and
- (5) significant shifts in population;

Whereas research and development aimed at finding cost-effective solutions to the most pressing challenges for the water sector—

- (1) create more resilient and effective water systems;
- (2) create new jobs and support thriving communities nationwide; and
- (3) result in improved public health and safety and promote equitable solutions throughout the United States; and

Whereas Congress and the executive branch should assist water utilities to ensure that those communities can continue to fulfill their core mission of protecting public health and the environment while supporting local economic growth by addressing challenges related to—

- (1) managing aging water infrastructure, and escalating operation and maintenance costs, supply chain disruptions, and workforce shortages;
- (2) addressing growing water quality impairments and regulations from emerging contaminants and nutrients; and

(3) ensuring proper climate adaptation, system resiliency, and security measures are in place: Now, therefore, be it

Resolved, That Congress hereby designates the week of April 7 through April 13, 2024, as “National Water Week”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1819. Mr. SCHUMER (for Mr. COONS) proposed an amendment to the resolution S.