

117TH CONGRESS  
2D SESSION

# H. R. 8096

To create a civil action to enforce the standards promulgated under the  
Prison Rape Elimination Act of 2003, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2022

Ms. BASS (for herself, Ms. SPEIER, Mr. SWALWELL, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Ms. PRESSLEY, Mr. CLEAVER, Mr. CARSON, Ms. NORTON, Mr. DANNY K. DAVIS of Illinois, Mr. PAYNE, Ms. MOORE of Wisconsin, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To create a civil action to enforce the standards promulgated  
under the Prison Rape Elimination Act of 2003, and  
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PREA Rights Enforce-  
5 ment Act of 2022”.

### 6 **SEC. 2. PRISON RAPE ELIMINATION ACT CAUSE OF ACTION.**

7 (a) IN GENERAL.—Section 8 of the Prison Rape  
8 Elimination Act of 2003 (34 U.S.C. 30307) is amended—

1           (1) by amending subsection (b) to read as fol-  
2       lows:

3       “(b) APPLICABILITY TO FEDERAL BUREAU OF PRIS-  
4       ONS.—The standards adopted under subsection (a) shall  
5       apply to facilities operated by the Federal Bureau of Pris-  
6       ons and to facilities operated under contract with the Fed-  
7       eral Bureau of Prisons.”;

8           (2) in subsection (e)(2)(A)(i), by inserting “and  
9       has in effect a law that authorizes a cause of action  
10      for violation of such standards, which is substan-  
11      tially similar to the cause of action under subsection  
12      (f)” before the semicolon; and

13           (3) by adding at the end the following:

14      “(f) VIOLATIONS.—

15          “(1) CAUSE OF ACTION.—

16           “(A) IN GENERAL.—In any case of an al-  
17      leged violation of the national standards in ef-  
18      fect for the Bureau of Prisons, the Department  
19      of Health and Human Services, or the Depart-  
20      ment of Homeland Security, with respect to fa-  
21      cilities operated by, or operated under contract  
22      with, any such agency, a person aggrieved by  
23      such a violation may bring a civil action against  
24      the United States in an appropriate district  
25      court for declaratory or injunctive relief, after

1 exhausting the procedures under paragraph (2),  
2 as applicable.

3 “(B) ATTORNEY’S FEES.—In a civil action  
4 under this subsection, the court may allow the  
5 prevailing party (other than the United States)  
6 reasonable attorney’s fees, including litigation  
7 expenses and costs.

8 “(2) NOTICE.—

9 “(A) IN GENERAL.—A person aggrieved by  
10 an alleged violation of the national standards in  
11 effect for the Bureau of Prisons, the Depart-  
12 ment of Health and Human Services, and the  
13 Department of Homeland Security, may provide  
14 written notice of each such alleged violation to  
15 a PREA Compliance Manager or PREA Coor-  
16 dinator.

17 “(B) OPPORTUNITY TO CORRECT.—Not  
18 later than 10 days after a notice is submitted  
19 to a PREA Compliance Manager or PREA Co-  
20 ordinator pursuant to subparagraph (A), such  
21 manager or coordinator shall—

22 “(i) determine whether a violation has  
23 occurred; and

24 “(ii) correct any violation determined  
25 to have occurred.

1           “(C) SPECIAL CIRCUMSTANCES.—Notwith-  
2           standing paragraph (1)(A), exhaustion of the  
3           procedures under this paragraph shall not be  
4           required with respect to any allegation of a vio-  
5           lation for which the aggrieved person shows the  
6           existence of special circumstances making writ-  
7           ten notice to the PREA Compliance Manager or  
8           PREA Coordinator impracticable or likely to be  
9           harmful, including due to—

10                   “(i) illiteracy;

11                   “(ii) intellectual disability;

12                   “(iii) developmental age, in the case of  
13           individuals who were under 18 years of age  
14           at the time of the offense;

15                   “(iv) lack of access to writing imple-  
16           ments due to restrictive housing;

17                   “(v) imminent risk of serious bodily  
18           harm or death of the aggrieved person; or

19                   “(vi) allegations of personal mis-  
20           conduct by the PREA Compliance Man-  
21           ager or PREA Coordinator.

22           “(3) REMOVING CERTAIN REQUIREMENTS OF  
23           SUITS BY PRISONERS.—Any action brought under  
24           this subsection is not subject to section 7 of the Civil  
25           Rights of Institutionalized Persons Act.

1 “(4) DEFINITIONS.—In this subsection:

2 “(A) PREA COMPLIANCE MANAGER.—The  
3 term ‘PREA Compliance Manager’ means an  
4 individual who works collaboratively with the  
5 PREA Coordinator to oversee and sustain an  
6 agency’s compliance with the Prison Rape  
7 Elimination Act program in a specific facility.

8 “(B) PREA COORDINATOR.—The term  
9 ‘PREA Coordinator’ means an individual who  
10 has the authority to oversee the design and im-  
11 plementation of the Prison Rape Elimination  
12 Act program for each facility in an agency’s ju-  
13 risdiction.”.

14 (b) EFFECTIVE DATE.—This Act and the amend-  
15 ments made by this Act shall take effect 90 days after  
16 the date of enactment of this Act, and shall apply with  
17 respect to violations occurring in fiscal year 2024 and  
18 every fiscal year thereafter.

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