

To the office of U.S. Senator Chuck Grassley

Re: S 736 (119th Congress), Lieutenant Osvaldo Albarati Stopping Prison Contraband Act • Latest action (2026-06-15): Held at the desk.

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Federal Prison Contraband Cell Phone Penalty and State Incentive Act of 2025

The measure, as described from the official record: To reduce the incidence of contraband cell phones in prisons, which are used to facilitate criminal activities, by increasing penalties for providing cell phones to incarcerated individuals.

THE PROPOSAL

This Act addresses the problem of contraband cell phones in prisons through two constitutionally sound mechanisms.

First, it amends Title 18 of the United States Code to increase federal criminal penalties for knowingly providing or attempting to provide a cell phone to an individual incarcerated in a federal prison. The penalty shall be a fine under Title 18, imprisonment for not more than 5 years, or both. This provision applies only to federal prisons, which are under direct federal jurisdiction.

Second, to encourage states to adopt similar measures, the Act establishes a grant program administered by the Department of Justice. Any state that enacts a law substantially similar to the federal penalty and demonstrates enforcement will be eligible for a grant of up to \$10 million per year, to be used for prison security technology and training. Grants are conditioned on annual reporting and compliance audits. Funds not used as required shall be returned to the Treasury.

The Act appropriates \$50 million per year for five years from general revenue for the grant program. The Bureau of Prisons and the DOJ Office of Inspector General shall oversee implementation and enforcement. The Act sunsets after five years, with a report to Congress on effectiveness and state participation.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	General revenue (annual appropriation from the Treasury)
Funding Amount	\$50 million per year for five years
Sunset Years	5 years
Oversight Body	Bureau of Prisons and Department of Justice Office of Inspector General
Enforcement Mechanism	For federal prisons: criminal prosecution by U.S. Attorneys. For state grants: compliance audits and clawback of misused funds.

Effective Date 90 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Spending Clause – conditional grants to states)
- Article I, Section 8, Clause 17 (Plenary power over federal enclaves, including federal prisons)
- Tenth Amendment (reserving state prison regulation to states)

Concerns with the measure as written:

- The original bill does not distinguish between federal and state prisons, potentially exceeding federal authority under the Tenth Amendment by regulating state prison operations.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: Reduces prison contraband and enhances safety for inmates and staff, a public safety concern. Republican priorities: Respects federalism by limiting direct federal action to federal prisons and using voluntary state incentives rather than mandates. Both sides can support targeted federal action and state flexibility.

Values for America is a nonpartisan, constitution-first SI think tank. This brief is informational. It is a policy proposal, not law, and it does not support or oppose any candidate or party. Full analysis and sources:

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