

SECTION 1. SHORT TITLE.

This Act may be cited as the “COVID-19 Safer Detention Act of 2020”.

SEC. 2. DEFINITION OF COVERED EMERGENCY PERIOD.

Section 12003(a)(2) of the CARES Act (Public Law 116-136) is amended—

(1) by striking “ending on the date” and inserting the following: “ending on the later of—

“(A) the date”;

(2) in subparagraph (A), as so designated, by striking the “and” at the end and inserting “or”;

(3) by adding at the end the following:

“(B) the date that is 30 days after the date on which the Bureau of Prisons ceases modified operations in response to COVID-19; and”.

SEC. 3. HOME DETENTION FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.

Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended—

(1) in paragraph (1), by adding at the end the following:

“(D) JUDICIAL REVIEW.—

“(i) IN GENERAL.—Upon motion of a defendant, on or after the date described in clause (ii), a court may reduce an imposed term of imprisonment of the defendant and substitute a term of supervised release with the condition of home detention for the unserved portion of the original term of imprisonment, after considering the factors set forth in section 3553(a) of title 18, United States Code, if the court finds the defendant is an eligible elderly offender or eligible terminally ill offender.

“(ii) DATE DESCRIBED.—The date described in this clause is the earlier of—

“(I) the date on which the defendant fully exhausts all administrative rights to appeal a failure of the Bureau of Prisons to place the defendant on home detention; or

“(II) the expiration of the 30-day period beginning on the date on which the defendant submits to the warden of the facility in which the defendant is imprisoned a request for placement of the defendant on home detention, regardless of the status of the request.”; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii)—

(i) by inserting “including offenses under the laws of the District of Columbia,” after “offense or offenses.”; and

(ii) by striking “2/3 of the term of imprisonment to which the offender was sentenced” and inserting “1/2 of the term of imprisonment reduced by any credit toward the service of the offender’s sentence awarded under section 3624(b) of title 18, United States Code”; and

(B) in subparagraph (D)(i), by inserting “, including offenses under the laws of the District of Columbia,” after “offense or offenses.”.

SEC. 4. COMPASSIONATE RELEASE TECHNICAL CORRECTION.

Section 3582 of title 18, United States Code, is amended—

(1) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after “case” the following: “, including, notwithstanding any other provision of law, any case involving an offense committed before November 1, 1987”; and

(B) in subparagraph (A)—

(i) by inserting “, on or after the date described in subsection (d)” after “upon motion of a defendant”; and

(ii) by striking “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

“(d) DATE DESCRIBED.—For purposes of subsection (c)(1)(A), the date described in this subsection is the earlier of—

“(1) the date on which the defendant fully exhausts all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf; or

“(2) the expiration of the 30-day period beginning on the date on which the defendant submits a request for a reduction in sentence to the warden of the facility in which the defendant is imprisoned, regardless of the status of the request.”.

SEC. 5. TEMPORARY SHORTENING OF ADMINISTRATIVE EXHAUSTION.

Section 12003 of the CARES Act (Public Law 116-136) is amended by adding at the end the following:

“(e) COMPASSIONATE RELEASE.—For purposes of a motion filed under section 3582(c)(1) of title 18, United States Code, during the covered emergency period—

“(1) the 30-day waiting period requirement in section 3582(d)(2) shall be reduced to not more than 10 days; and

“(2) in the case of a defendant who is, according to guidance from the Centers for Disease Control and Prevention, considered to be at a higher risk for severe illness from COVID-19, including because the defendant is 60 years of age or older or has an underlying medical condition, such risk shall be considered to be an extraordinary and compelling reason under subparagraph (A)(i) of such section 3582(c)(1).

“(f) NONVIOLENT ELDERLY OFFENDERS.—For the purpose of a motion filed under subparagraph (D) of section 231(g)(1) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)(1)), during the covered emergency period, the 30-day waiting period requirement clause (ii)(II) of such subparagraph (D) shall be reduced to 10 days.”.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 633—SUPPORTING THE GOALS OF INTERNATIONAL MYALGIC ENCEPHALOMYELITIS/CHRONIC FATIGUE SYNDROME AWARENESS DAY**

Mr. MARKEY (for himself, Ms. COLLINS, Mr. VAN HOLLEN, Ms. STABENOW, Mr. BOOKER, Mrs. FEINSTEIN, Ms. HARRIS, Ms. WARREN, Ms. SINEMA, and Mr. CRAMER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 633

Whereas the National Academy of Medicine (referred to in this preamble as “NAM”), formerly known as the Institute of Medicine, has found that Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (referred to in this preamble as “ME/CFS”) is “a serious, chronic, complex, and systemic disease that frequently and dramatically limits the activities of affected patients”;

Whereas, in the past, outbreaks of viruses, including outbreaks of coronaviruses, have triggered an increase in ME/CFS-like symptoms in individuals infected by those viruses;

Whereas—

(1) between 836,000 and 2,500,000 individuals of all ages, races, and sexes in the United States are believed to be afflicted with ME/

CFS, and millions of additional individuals are afflicted by ME/CFS worldwide; and

(2) the vast majority of individuals with ME/CFS are undiagnosed or misdiagnosed;

Whereas ME/CFS is approximately 4 times more prevalent in women than in men;

Whereas ME/CFS is a chronic disease with no known cure and leaves ¼ of individuals with ME/CFS housebound or bedbound for extended periods of time;

Whereas between 50 and 75 percent of individuals with ME/CFS cannot work or attend school;

Whereas, in the United States, the economic toll of ME/CFS is \$51,000,000,000 per year, including as much as \$14,000,000,000 in medical costs and \$37,000,000,000 in lost productivity;

Whereas the cause of ME/CFS is unknown, there is no diagnostic test for ME/CFS, and there is no treatment for ME/CFS approved by the Food and Drug Administration;

Whereas NAM has noted a “paucity of research” on ME/CFS and that “more research is essential”;

Whereas individuals with ME/CFS struggle to find doctors to care for them, and ME/CFS is included in less than ¼ of medical school curricula;

Whereas, in recognition of the dearth of research on ME/CFS and the profound impact that the disease has on individuals with ME/CFS and their loved ones and caretakers, the National Institutes of Health is “committed to unraveling the underlying biologic cause(s) of ME/CFS as swiftly as possible, and promoting research that will inform the development of effective strategies for treatment and prevention of this devastating condition”; and

Whereas, in 2020, May 12 is recognized as International ME/CFS Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of International Myalgic Encephalomyelitis/Chronic Fatigue Syndrome Awareness Day;

(2) recognizes and affirms the commitment of the United States to—

(A) supporting research and medical education for Myalgic Encephalomyelitis/Chronic Fatigue Syndrome; and

(B) promoting awareness among health professionals and the public about Myalgic Encephalomyelitis/Chronic Fatigue Syndrome; and

(3) recognizes the continued importance of—

(A) health care professionals and medical researchers who care for individuals with Myalgic Encephalomyelitis/Chronic Fatigue Syndrome; and

(B) individuals who work to discover the cause of, and develop and improve the diagnosis of, treatments for, and a cure for, Myalgic Encephalomyelitis/Chronic Fatigue Syndrome.

SENATE RESOLUTION 634—DESIGNATING JULY 30, 2020, AS “NATIONAL WHISTLEBLOWER APPRECIATION DAY”

Mr. GRASSLEY (for himself, Mr. WYDEN, Mr. TILLIS, Ms. HIRONO, Mr. BOOZMAN, Mr. PETERS, Mr. ENZI, Mr. CARPER, Ms. COLLINS, Mr. MARKEY, Ms. ERNST, Mr. DURBIN, Mrs. FISCHER, Ms. BALDWIN, Mr. MORAN, Ms. DUCKWORTH, Mr. JOHNSON, Ms. SINEMA, and Mrs. BLACKBURN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 634

Whereas, in 1777, before the passage of the Bill of Rights, 10 sailors and Marines blew

the whistle on fraud and misconduct that was harmful to the United States;

Whereas the Founding Fathers unanimously supported the whistleblowers in words and deeds, including by releasing government records and providing monetary assistance for the reasonable legal expenses necessary to prevent retaliation against the whistleblowers;

Whereas, on July 30, 1778, in demonstration of their full support for whistleblowers, the members of the Continental Congress unanimously passed the first whistleblower legislation in the United States that read: “Resolved, That it is the duty of all persons in the service of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge” (legislation of July 30, 1778, reprinted in *Journals of the Continental Congress, 1774–1789*, ed. Worthington C. Ford et al. (Washington, DC, 1904–37), 11:732);

Whereas whistleblowers risk their careers, jobs, and reputations by reporting waste, fraud, and abuse to the proper authorities;

Whereas, in providing the proper authorities with lawful disclosures, whistleblowers save the taxpayers of the United States billions of dollars each year and serve the public interest by ensuring that the United States remains an ethical and safe place; and

Whereas it is the public policy of the United States to encourage, in accordance with Federal law (including the Constitution of the United States, rules, and regulations) and consistent with the protection of classified information (including sources and methods of detection of classified information), honest and good faith reporting of misconduct, fraud, misdemeanors, and other crimes to the appropriate authority at the earliest time possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 30, 2020, as “National Whistleblower Appreciation Day”; and

(2) ensures that the Federal Government implements the intent of the Founding Fathers, as reflected in the legislation passed on July 30, 1778 (relating to whistleblowers), by encouraging each executive agency to recognize National Whistleblower Appreciation Day by—

(A) informing employees, contractors working on behalf of the taxpayers of the United States, and members of the public about the legal right of a United States citizen to “blow the whistle” to the appropriate authority by honest and good faith reporting of misconduct, fraud, misdemeanors, or other crimes; and

(B) acknowledging the contributions of whistleblowers to combating waste, fraud, abuse, and violations of laws and regulations of the United States.

SENATE RESOLUTION 635—EX-PRESSING SUPPORT FOR THE FOURTH OF JULY, AMERICA’S BIRTHDAY, AND THE HUNDREDS OF BUSINESSES AND WORKERS THAT MAKE UP THE FIREWORKS INDUSTRY

Mr. ROUNDS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 635

Whereas, on July 3, 1776, Founding Father John Adams wrote to Abigail Adams expressing his belief that the signing of the Declaration of Independence should be commemo-

rated “with Pomp and Parade, with Shows, Games, Sports, Guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more”;

Whereas, on July 4, 1777, reflecting the vision of John Adams, fireworks were set off in Philadelphia as part of a celebration to commemorate Independence Day;

Whereas throughout our history, Americans in cities and towns large and small have celebrated the birth of our great Nation, with 16,000 fireworks displays on Independence Day in 2019 alone;

Whereas an estimated 49 million Americans traveled on vacation to these cities and towns during the Fourth of July holiday in 2019;

Whereas 49 States plus the District of Columbia allow some or all types of consumer fireworks;

Whereas retail sales of fireworks have skyrocketed in recent years;

Whereas Americans spend more than \$1 billion on fireworks annually, and close to \$900 million is spent on consumer fireworks alone;

Whereas the United States fireworks industry is committed to promoting the legal and safe handling and use of all fireworks;

Whereas for the first time in over 10 years, Mount Rushmore, our Nation’s “Shrine of Democracy”, will resume using fireworks in 2020;

Whereas the fireworks industry serves as a livelihood for many small business owners and operators across the country;

Whereas fireworks celebrations are important economic drivers for cities and towns across the country; and

Whereas many cities and towns across the country are canceling or are considering canceling their annual Fourth of July celebrations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic importance of fireworks displays in the United States, particularly in annual Independence Day celebrations;

(2) recognizes that the fireworks industry brings joy to communities and neighborhoods across the country and is good for our national psyche;

(3) supports the commitment to bring fireworks back to our Nation’s “Shrine of Democracy” at Mount Rushmore; and

(4) urges cities, towns, counties, and other municipalities to save the Fourth of July by reconsidering postponing or canceling their Fourth of July celebrations, so that Americans can enjoy our Nation’s birthday while adhering to appropriate social distancing guidelines.

WOUNDED VETERANS RECREATION ACT

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 342, S. 327.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 327) to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 327

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 “Wounded Veterans Recreation Act”.

SEC. 2. NATIONAL RECREATIONAL PASSES FOR DISABLED VETERANS.

Section 805(b) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(b)) is amended by striking paragraph (2) and inserting the following:

“(2) DISABILITY DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge and for the lifetime of the passholder, to the following:

“(A) Any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled, within the meaning of the term ‘disability’ under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), if the citizen or person provides adequate proof of the disability and such citizenship or residency.

“(B) Any veteran who has been found to have a service-connected disability under title 38, United States Code.”.

Mr. SASSE. I further ask that the committee-reported substitute be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment, in the nature of a substitute, was agreed to.

The bill (S. 327), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR TUESDAY, JUNE 23, 2020

Mr. SASSE. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 10 a.m., Tuesday, June 23; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Wilson nomination; further, I ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m., for the weekly conference meetings; finally, that all time during adjournment, recess, morning business, and leader remarks count postcloture on the Wilson nomination.

PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SASSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.