

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