

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To report data on COVID–19 in Federal, State, and local correctional facilities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To report data on COVID–19 in Federal, State, and local correctional facilities, 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 “COVID–19 in Correc-  
5 tions Data Transparency Act”.

6 **SEC. 2. DEFINITIONS.**

7        In this Act:

8            (1) COVID–19.—The term “COVID–19”  
9        means Coronavirus Disease 2019.





- 1 (v) a State or local contract facility;  
2 (vi) a juvenile detention facility;  
3 (vii) a juvenile secure correctional fa-  
4 cility; and  
5 (viii) any other local or State correc-  
6 tional facility, including any juvenile facil-  
7 ity.

8 **SEC. 3. BUREAU OF PRISONS AND UNITED STATES MAR-**  
9 **SHALS SERVICE DATA COLLECTION.**

10 (a) BUREAU OF PRISONS.—The Director of the Bu-  
11 reau of Prisons shall—

12 (1) on a daily basis during the COVID–19  
13 emergency data collection period, make available to  
14 the public on the website of the Bureau of Prisons  
15 a report on the information described in section 6,  
16 with respect to incarcerated persons and staff; and

17 (2) not later than 14 days after the date on  
18 which the Director of the Centers for Disease Con-  
19 trol and Prevention publishes the guidance required  
20 under section 5(a), but in no case later than 45 days  
21 after the date of enactment of this Act, and not less  
22 frequently than once every 7 days thereafter until  
23 the date on which the COVID–19 emergency data  
24 collection period ends, submit to Director of the  
25 Centers for Disease Control and Prevention every 7

1 days, a report on the information described in sec-  
2 tion 6, with respect to incarcerated persons and  
3 staff.

4 (b) UNITED STATES MARSHALS SERVICE.—The Di-  
5 rector of the United States Marshals Service shall—

6 (1) on a daily basis during the COVID–19  
7 emergency data collection period, make available to  
8 the public on the website of the United States Mar-  
9 shals Service a report on the information described  
10 in section 6, with respect to incarcerated persons in  
11 the custody of the United States Marshals Service,  
12 including individuals held at or employed by a State  
13 or local correctional facility contracted by Federal  
14 entities; and

15 (2) not later than 14 days after the date on  
16 which the Director of the Centers for Disease Con-  
17 trol and Prevention publishes the guidance required  
18 under section 5(a), but in no case later than 45 days  
19 after the date of enactment of this Act, and not less  
20 frequently than once every 7 days thereafter until  
21 the date on which the COVID–19 emergency data  
22 collection period ends, submit to Director of the  
23 Centers for Disease Control and Prevention every 7  
24 days, a report on the information described in sec-

1       tion 6, with respect to incarcerated persons and  
2       staff.

3       **SEC. 4. STATE AND LOCAL CORRECTIONAL FACILITY DATA**  
4               **COLLECTION.**

5       (a) STATE AND LOCAL REPORTS.—

6               (1) IN GENERAL.—Not later than 14 days after  
7       the date on which the Director of the Centers for  
8       Disease Control and Prevention publishes the guid-  
9       ance required under section 5(a), but in no case  
10      later than 45 days after the date of enactment of  
11      this Act, and not less frequently than once every 7  
12      days thereafter until the date on which the COVID-  
13      19 emergency data collection period ends—

14              (A) the head of each State department of  
15              corrections and the head of each State juvenile  
16              justice agency shall make available to the public  
17              on the website of the department, and submit  
18              to the public health authority of the State, the  
19              data described in section 6, with respect to in-  
20              carcerated persons and staff; and

21              (B) the head of each State or local correc-  
22              tional facility shall submit to the public health  
23              authority of the State or unit of local govern-  
24              ment, as the case may be, the data described in

1 section 6, with respect to incarcerated persons  
2 and staff.

3 (2) SUBMISSION OF INFORMATION TO THE  
4 CDC.—Not later than 24 hours after a State or local  
5 public health authority receives data under para-  
6 graph (1), the head of the public health authority  
7 shall submit the data to the Director of the Centers  
8 for Disease Control and Prevention.

9 (3) BYRNE GRANT AMOUNTS.—

10 (A) IN GENERAL.—If a State or jurisdic-  
11 tion within a State fails to comply with the re-  
12 quirements under paragraphs (1) and (2) in a  
13 fiscal year, the amount the State would other-  
14 wise be awarded in the following fiscal year  
15 under subpart 1 of part E of title I of the Om-  
16 nibus Crime Control and Safe Streets Act of  
17 1968 (34 U.S.C. 10151 et seq.) shall be re-  
18 duced by 10 percent.

19 (B) REPORT ON COMPLIANCE TO DOJ.—  
20 For purposes of carrying out this paragraph,  
21 the Director of the Centers for Disease Control  
22 and Prevention shall, not later than 30 days  
23 after the date on which the Director first re-  
24 ceives data from a State or local public health  
25 authority and once every 30 days thereafter,

1           submit to the Attorney General a report detail-  
2           ing which States, if any, are not in compliance  
3           with this Act.

4           (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
5           authorized to be appropriated to the Director of the Cen-  
6           ters for Disease Control such sums as are necessary to  
7           carry out this section.

8           **SEC. 5. CDC REPORTS.**

9           (a) GUIDANCE.—Not later than 30 days after the  
10          date of enactment of this Act, the Director of the Centers  
11          for Disease Control and Prevention shall issue guidance  
12          for Federal, State, and local correctional facilities on—

13               (1) the categories of data required to be re-  
14               ported under this Act; and

15               (2) how the Director will determine whether a  
16               State is in compliance with this Act

17          (b) PUBLICATION ON WEBSITE.—Not later than 7  
18          days after data is reported to Centers for Disease Control  
19          and Prevention under section 3 or 4, the Director of the  
20          Centers for Disease Control and Prevention shall make the  
21          data available to the public on the website of the Centers  
22          for Disease Control and Prevention, including all data re-  
23          ported by the Bureau of Prisons, the United States Mar-  
24          shals Service, and State and local correctional facilities.



1           (c) REPORTS TO CONGRESS.—Not later than 60 days  
2 after the date of enactment of this Act, and every 30 days  
3 thereafter until the date on which the COVID–19 emer-  
4 gency data collection period ends, the Director of the Cen-  
5 ters for Disease Control and Prevention shall compile and  
6 submit to Congress, including the Committees on the Ju-  
7 diciary and Health, Education, Labor, and Pensions of the  
8 Senate and the Committees on the Judiciary and Energy  
9 and Commerce of the House of Representatives, a report  
10 on the information submitted by the Bureau of Prisons,  
11 the United States Marshals Service, and the head of each  
12 State department of corrections under sections 3 and 4,  
13 respectively.

14 **SEC. 6. COVID–19 DATA.**

15           (a) IN GENERAL.—The data described in this section  
16 is the following data for each Federal, State, or local cor-  
17 rectional facility within a State:

18                   (1) TESTING NUMBERS.—COVID–19 diagnostic  
19 testing, including cumulative and new (since the pre-  
20 vious report) counts of—

21                           (A) the number of incarcerated persons  
22 tested for COVID–19, disaggregated by first-  
23 time COVID–19 diagnostic tests and retests;

24                           (B) the number of correctional facility  
25 staff tested for COVID–19, disaggregated by

1 first-time COVID–19 diagnostic tests and  
2 retests; and

3 (C) the COVID–19 diagnostic test devel-  
4 oper and test name for each COVID–19 diag-  
5 nostic test conducted.

6 (2) TEST RESULTS.—COVID–19 diagnostic  
7 testing outcomes, including cumulative and new  
8 (since the previous report) counts of—

9 (A) the number of confirmed active cases  
10 of COVID–19 among incarcerated persons,  
11 disaggregated by first-time COVID–19 diag-  
12 nostic tests and retests;

13 (B) the number of confirmed negative  
14 cases of COVID–19 among incarcerated per-  
15 sons, disaggregated by first-time COVID–19 di-  
16 agnostic tests and retests;

17 (C) the number of confirmed active cases  
18 of COVID–19 among correctional facility staff,  
19 disaggregated by first-time COVID–19 diag-  
20 nostic tests and retests;

21 (D) the number of confirmed negative  
22 cases of COVID–19 among correctional facility  
23 staff, disaggregated by first-time COVID–19 di-  
24 agnostic tests and retests;

1 (E) the number of COVID–19 diagnostic  
2 tests pending results, disaggregated by incarcer-  
3 ated persons and correctional facility staff;

4 (F) the average time between testing an  
5 incarcerated person for COVID–19 and receiv-  
6 ing the results of the COVID–19 diagnostic  
7 test; and

8 (G) the average time between testing a  
9 correctional facility employee for COVID–19  
10 and receiving the results of the COVID–19 di-  
11 agnostic test.

12 (3) CASE OUTCOMES.—COVID–19 case out-  
13 comes, including cumulative and new (since the pre-  
14 vious report) counts of—

15 (A) the number of incarcerated persons  
16 hospitalized for a case of COVID–19;

17 (B) the number of incarcerated persons  
18 who have recovered from COVID–19;

19 (C) the number of incarcerated persons  
20 currently in quarantine or medical isolation for  
21 infection with or exposure to COVID–19;

22 (D) the number of incarcerated persons  
23 who have completed quarantine or been released  
24 from medical isolation;

1 (E) the number of incarcerated persons  
2 who have died from a case of COVID-19;

3 (F) the number of correctional facility  
4 staff hospitalized for a case of COVID-19;

5 (G) the number of correctional facility  
6 staff who have recovered from COVID-19; and

7 (H) the number of correctional facility  
8 staff who have died from a case of COVID-19.

9 (4) RELEASE OF INCARCERATED PERSONS.—In  
10 the case of incarcerated persons, data related to the  
11 release of such incarcerated persons, including indi-  
12 viduals released to home confinement and pursuant  
13 to compassionate release, as a result of the COVID-  
14 19 public health emergency.

15 (5) DAILY POPULATION.—Average daily popu-  
16 lation for the week preceding the COVID-19 emer-  
17 gency data collection period and for all weeks during  
18 this period.

19 (b) DISAGGREGATION OF DATA.—The data described  
20 in this section shall be disaggregated by sex, sexual ori-  
21 entation, gender identity, age, race, ethnicity, disability,  
22 and geography (including county and State).

23 (c) INCARCERATED PERSONS DATA.—The data de-  
24 scribed in this section with respect to incarcerated persons  
25 who are serving a term of imprisonment and who are in-

1 fected with COVID–19 shall include, to the extent prac-  
2 ticable, the term of imprisonment imposed on such incar-  
3 cerated persons and the time served on such term of im-  
4 prisonment.

5 **SEC. 7. PRIVACY PROTECTIONS.**

6 Any data collected, stored, received, or published  
7 under this Act shall—

8 (1) be so collected, stored, received, or pub-  
9 lished in a manner that protects the privacy of indi-  
10 viduals whose information is included in such data;

11 (2) be de-identified or anonymized in a manner  
12 that protects the identity of all individuals whose in-  
13 formation is included in such data;

14 (3) comply with privacy protections provided  
15 under the regulations promulgated under section  
16 264(c) of the Health Insurance Portability and Ac-  
17 countability Act of 1996 (42 U.S.C. 1320d–2 note);  
18 and

19 (4) be limited in use for the purpose of public  
20 health and be protected from all other internal use  
21 by any entity that collects, stores, or receives the  
22 data, including use of such data in determinations of  
23 eligibility (or continued eligibility) in health plans,  
24 and from any other inappropriate uses.