

## FEDERAL CORRECTIONAL FACILITIES COVID-19 RESPONSE ACT

Senator Warren (D-Mass.), Congresswoman Barragán (D-Calif.), and Senator Booker (D-N.J.)

### THE PROBLEM

The coronavirus disease 2019 (COVID-19) pandemic is impacting people and families across the United States, including incarcerated people, who have been hit particularly hard by the virus. Preventing the spread of COVID-19 in correctional facilities, which are characterized by overcrowding that makes social distancing nearly impossible, is challenging. Some of the largest COVID-19 outbreaks in the country have been linked to prisons and jails.<sup>1</sup> To date, over 130,000 incarcerated people (including roughly 1,900 in federal facilities) have been infected with COVID-19, and over 1,100 (including 124 in federal facilities) have died.<sup>2</sup> Correctional facility employees—who are at risk of both contracting COVID-19 themselves and bringing the virus in and out of facilities—have also been affected: at least 28,800 prison staff members have caught COVID-19, and over 80 have died.<sup>3</sup> Despite the overwhelming impact of COVID-19 in correctional facilities, the federal government has not invested in the widespread testing, contact tracing, and data collection necessary to keep incarcerated people, correctional facility employees, and their communities safe.

### THE FEDERAL CORRECTIONAL FACILITIES COVID-19 RESPONSE ACT

To address the spread of COVID-19 in federal correctional facilities, the lawmakers are introducing the **Federal Correctional Facilities COVID-19 Response Act**. The bill would:

- **Require correctional facilities to conduct free, weekly COVID-19 surveillance testing for incarcerated people and employees.** Correctional facilities will offer free medical care to incarcerated people who test positive for COVID-19 and will provide each employee who tests positive or is exposed to COVID-19 with unlimited paid administrative leave for the purpose of recovering from the virus.
- **Require correctional facilities to submit weekly testing data to the Department of Justice (DOJ), the Center for Disease Control and Prevention (CDC), and state public health officials.** Data reports will include information about the numbers of incarcerated people and employees tested, the type of tests performed, test results, and the outcomes of COVID-19 cases, disaggregated by key demographic characteristics. The privacy of incarcerated people and employees would be protected.
- **Deploy CDC officials to correctional facilities to help quell outbreaks** in cases where three or more incarcerated people or employees present new COVID-19 cases within 72 hours.
- **Require the Bureau of Prisons, in conjunction with the CDC and a group of public health experts, to update COVID-19 guidance for correctional facilities** to ensure the widespread use of surveillance testing, expand contact tracing, promote decarceration, improve the living conditions of incarcerated people, and boost the use of personal protective equipment and other COVID-19 prevention tools.
- **Require the DOJ to issue a report to Congress** on federal correctional facilities' compliance with the CDC's *Interim Guidance on Management of COVID-19 in Correctional and Detention Facilities*; efforts to release incarcerated people from prisons; and COVID-19 resource limitations.

### ENDORSEMENTS

Partners in Health, The Sentencing Project, National Association of Criminal Defense Lawyers

<sup>1</sup> Equal Justice Initiative, "COVID-19's Impact on People in Prison," August 21, 2020, <https://ej.org/news/covid-19s-impact-on-people-in-prison/>.

<sup>2</sup> The Marshall Project, "A State-by-State Look at Coronavirus in Prisons," September 23, 2020, <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>; Bureau of Prisons, "COVID-19 Cases," <https://www.bop.gov/coronavirus/>.

<sup>3</sup> The Marshall Project, "A State-by-State Look at Coronavirus in Prisons," September 23, 2020, <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>.