

Congress of the United States

Washington, DC 20515

January 21, 2022

The Honorable Michael Carvajal
Director of the Federal Bureau of Prisons
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Director Carvajal:

We write to you today to commend the Department of Justice (“Department”) for issuing the Office of Legal Counsel (OLC) Memo that states that the Federal Bureau of Prisons (BOP) is not required to recall individuals placed on home confinement through the CARES Act to prison after the federal health emergency ends. As members of Congress with many constituents who will be impacted by this decision, we also write seeking further clarification on how this policy will be implemented.

On December 21, 2021, the Department determined that the BOP is not required to reimprison thousands of individuals who were placed on home confinement to limit the spread of COVID-19, even after the federal health emergency is declared over. In a statement, Attorney General Garland mentioned reasons to allow these individuals to stay on home confinement for the duration of their sentences, “Thousands of people on home confinement have reconnected with their families, have found gainful employment, and have followed the rules.” He continues that this new decision “ensure[s] that the Department lives up to the letter and spirit of the CARES Act,” which never mentioned the need for these individuals to be forced behind bars once again after the federal health emergency expired. We are ecstatic and pleased that the Attorney General came to this decision, especially since it keeps with the Administration’s pledge to reduce our country’s overall prison population.

As the BOP works to enforce the newly issued memo, we write to express our hopes that the Bureau will keep in line with the spirit of the memo and the law and ensure that none of the affected individuals will be required to go back to federal prison. With that, we have a few additional questions we are requesting responses to:

1. How does the Bureau plan to implement the new OLC memo that was issued on December 21, 2021? Specifically, does the Bureau intend to allow all affected individuals to serve the remainder of their sentences on home confinement? If not, on what basis would the Bureau require individuals to return to prison?

2. Can the Bureau provide data on the factors it will consider when granting an extension of those on home confinement? We request transparency in knowing the data on those eligible/allowed to stay on home confinement for the duration of their sentences.
3. Has the Bureau notified all the individuals impacted by this new OLC memo? What information has the Bureau provided to those impacted by the new policy?
4. With the recent surge in COVID-19 cases due to the Omicron variant, will the Bureau continue to use its jurisdiction under the CARES Act to allow other individuals to go on home confinement to reduce the spread of the virus?
5. Can the Bureau provide a briefing to both Members of Congress and their staffs on how they plan to implement and move forward with the new OLC memo?

We respectfully request that you provide answers to these questions no later than February 7th, 2022. Thank you for your time and work on this important matter.

Sincerely,



BONNIE WATSON COLEMAN
Member of Congress



CORI BUSH
Member of Congress



JERROLD NADLER
Member of Congress



KAREN BASS
Member of Congress



DAVID TRONE
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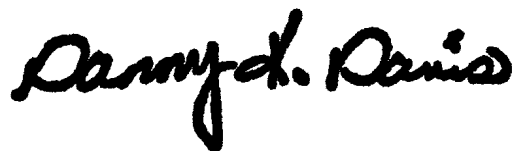
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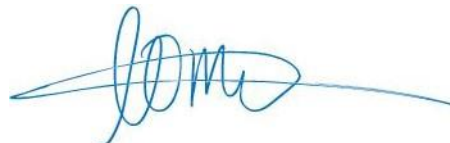
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