

Congress of the United States
Washington, DC 20515

May 7, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Charles E. Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader McConnell and Minority Leader Schumer:

Thank you for your leadership with regard to the first four coronavirus relief bills. We were pleased that the most recent interim package included critical funding for hospitals, health care workers, small businesses and testing. As you prepare to negotiate and advance the upcoming CARES 2 Act, we respectfully request that you include provisions to address the urgent needs of the incarcerated population, returning citizens and those who work in America's prisons and jails.

The situation in our nation's correctional facilities is a crisis on the verge of catastrophe. As of May 5, 2066 incarcerated individuals and 359 staff in the federal prison system have tested positive for COVID-19, and 41 have died.¹ According to recent reporting, 70 percent of people tested in federal custody tested positive for the virus.² The virus has also run rampant in state prisons.³ In total, more than 290 residents of prisons and jails in the United States

¹ *Covid-19*, FED. BUREAU OF PRISONS, <https://www.bop.gov/coronavirus/> (last visited May 5, 2020).

² Michael Balsamo, *Over 70 percent of tested inmates in federal prisons have COVID-19*, THE ASSOCIATED PRESS, Apr. 29, 2020, <https://apnews.com/fb43e3ebc447355a4f71e3563dbdca4f>.

³ Linda So & Grant Smith, *In 4 U.S. state prisons, nearly 3,300 inmates test positive for coronavirus -- 96% without symptoms*, REUTERS, Apr. 25, 2020, <https://www.reuters.com/article/health-coronavirus-prisons-testing-idUSL3N2CD07S>.

have died from the disease.⁴ Incarcerated individuals are particularly vulnerable to COVID-19 because they have higher rates of underlying health issues than the public, and the condition of their confinement makes social distancing nearly impossible. If we do not act, many more of them will get sick and die.

Recognizing this, the Coronavirus Aid, Relief, and Economic Security (CARES) Act included funding for the Bureau of Prisons' (BOP) response to the pandemic and additional authority for the BOP Director to release prisoners from federal facilities into home confinement. Unfortunately, the Trump administration's handling of the crisis in our prison system has been inconsistent, confusing and ineffective.⁵ Relying on Attorney General Barr to take the steps necessary to slow the spread of COVID-19 in federal facilities is not working, and America's state and local prisons and jails are struggling to protect their residents during this public health emergency. Congress cannot let the nearly 2.2 million people incarcerated in this country—or those who work in the prison system—fall through the cracks.

The next coronavirus relief package should include provisions to protect people behind bars, as well as returning citizens who need to be able to reenter their communities safely after a period of incarceration. Key issues that need to be addressed include, but are not limited to:

1. *Incarceration levels in federal, state and local facilities.* Mass incarceration was a serious problem before the COVID-19 pandemic, but overcrowding and unsanitary conditions in prisons and jails have become especially dangerous for the residents and staff who are unable to practice social distancing. Recent legislative proposals that would mitigate this problem include H.R. 6400, the Emergency Community Supervision Act, and H.R. 6414, the COVID-19 Correctional Facility Emergency Response Act of 2020.
2. *Conditions in federal, state and local facilities.* Prisons and jails do not have the resources they need to keep their facilities safe and provide residents and staff with adequate prevention, testing and health care services.
3. *Ability of incarcerated individuals to communicate with their attorneys.* With legal visits suspended in BOP facilities, it is more critical than ever

⁴ Sharon Dolovich, *UCLA Law Covid-19 Behind Bars Data Project*, https://docs.google.com/spreadsheets/d/1X6uJkXXS-O6eePLxw2e4JeRtM41uPZ2eRcOA_HkPVTk/edit?pli=1#gid=1197647409 (last visited May 5, 2020).

⁵ Luke Barr & Alexander Mallin, *DOJ clarifies federal inmate release guidance after confusion plagues process*, ABC NEWS, Apr. 24, 2020, <https://abcnews.go.com/US/doj-clarifies-federal-inmate-release-guidance-confusion-plagues/story?id=70318981>.

for residents to have the ability to communicate remotely and confidentially with their lawyers, but BOP has continued its policy of monitoring emails.

4. *Funding for reentry services and accessibility of safety net and small business programs to currently and formerly incarcerated individuals.* The inmate exclusion for Medicaid coverage; federal guidance restricting access to the Paycheck Protection Program based on a business owner's involvement with the criminal justice system; and other federal prohibitions that prevent people with criminal records from receiving critical housing, employment and food and nutrition assistance place an unnecessary burden on incarcerated people and returning citizens as they face the health-related challenges of the pandemic and the devastating economic consequences that have followed.

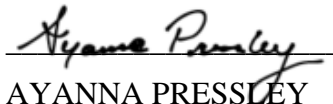
We appreciate the work you are doing to provide desperately needed relief and assistance to people all across America during this unprecedented crisis. In drafting the next legislative package, we urge you to consider the pressing needs of incarcerated individuals, the staff who look after them and the communities to which they will return.

Thank you for your time and attention.

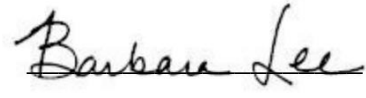
Sincerely,



HAKEEM JEFFRIES
Member of Congress



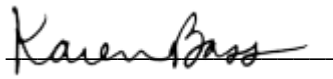
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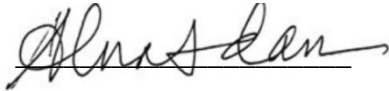
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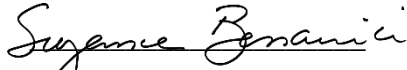


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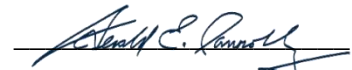
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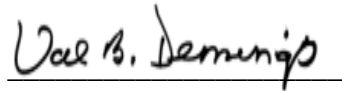
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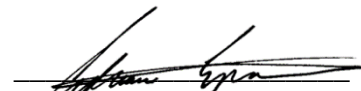
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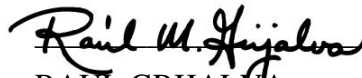


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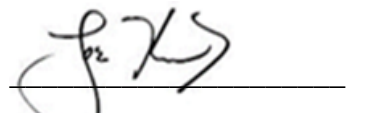

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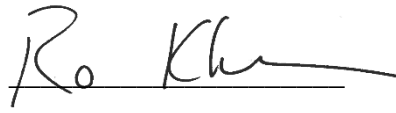
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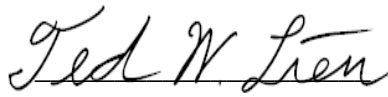

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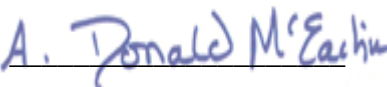

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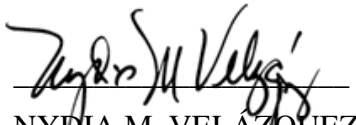


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