

Congress of the United States  
Washington, DC 20515

March 2, 2021

The Honorable Monty Wilkinson  
(Acting) Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Wilkinson,

We are writing to express our concerns about the growing number of COVID-19 infections in the federal prison system and to respectfully request your leadership to halt and end its further spread. The change in Administration offers an opportunity for a renewed commitment to the well-being of Federal Bureau of Prison employees, inmates, and the facilities' host communities.

As of this writing, according to the BOP's own data, more than 45,000 inmates at BOP-managed institutions have tested positive for COVID-19, fully one third of the system's inmate population. Bureau employees and, at least, 220 inmates have died. Notably, among the deceased, a higher portion were located at BOP-managed institutions than community-based facilities. Even in states like Massachusetts and New Jersey, whose residents have suffered mightily due to the pandemic, no more than 10 percent of the population has, thus far, been infected – far less than the inmate population. Despite those facts, in recent correspondence to members of Congress, a Bureau Regional Director wrote “[t]he efficacy of the Bureau’s mitigation strategies can be seen in the very low number of hospitalized inmates throughout the country.” In light of the foregoing data, it would seem that the Bureau’s leadership actually has not much reason to celebrate much “efficacy” in its COVID-19 mitigation strategies.

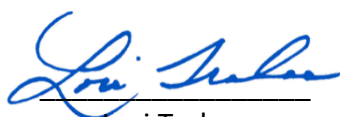
While we recognize that this virus is especially contagious and can spread via asymptomatic carriers, we also hope you will agree that those traits demand even greater care and precautionary measures to protect federal employees and inmates. To that end, we recommend facilitating on-site testing of staff; making appropriate use of compassionate release, including the range of available categories under §1B1.13 of federal sentencing guidelines, and legal authority to transfer medically vulnerable individuals into home confinement; and prohibiting non-compliance with the President’s Executive Order 13991 mandating mask-wearing at federal facilities. In the letter referenced above – dated several days *after* the E.O. was issued – the Regional Director wrote that the use of face coverings/masks are “*mandatory when adequate social distancing cannot be maintained.*” The use of “when” suggests that the E.O. – which explicitly states, “*all wear masks*” – is not necessarily being implemented to the degree intended.

Additionally, we recommend that the Department provide Hazardous Duty Pay for all BOP staff – ideally retroactive to January 31, 2020, when the Public Health Emergency was declared. As noted above, Bureau-managed facilities have become loci of COVID-19 infections. Yet throughout the pandemic, Bureau employees dutifully reported to work in spite of the danger. Authorizing hazard pay would be an appropriate step in recognition of their courage.

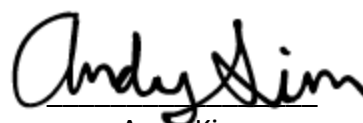
While it would have been preferable for the prior Administration to take greater precautions sooner, it is now in your hands to strengthen infection containment and prevention measures as well as ensure the Bureau’s employees receive the aid they’ve earned. It is our hope that you will expeditiously review this matter and ensure all facilities proceed in accordance with the severity of our declared state of emergency. Nothing less will keep inmates and staff safe.

We stand ready to assist the Department on this matter and would welcome the opportunity to discuss it with you.

Sincerely,



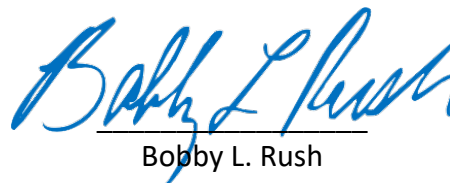
Lori Trahan  
U.S. Representative



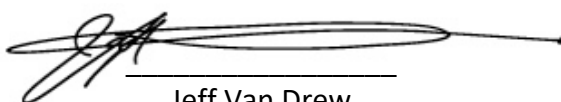
Andy Kim  
U.S. Representative



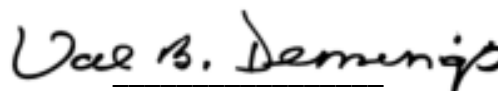
Juan Vargas  
U.S. Representative



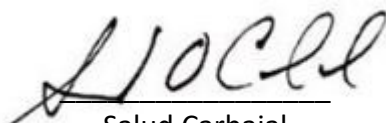
Bobby L. Rush  
U.S. Representative



Jeff Van Drew  
U.S. Representative



Val B. Demings  
U.S. Representative



Salud Carbajal  
U.S. Representative

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Ed Perlmutter  
U.S. Representative



Nanette Diaz Barragán  
U.S. Representative



James P. McGovern  
U.S. Representative

