

# Congress of the United States

## Washington, DC 20515

April 8, 2021

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
Washington, D.C. 20500

Dear President Biden:

We are writing to you today to urge you to reverse the Trump administration's cruel and misguided decision to require thousands of people currently serving on home confinement to return to federal prison. Such a move would harm families, waste tax dollars, and undermine public safety.

Last March, Congress passed the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, to provide emergency assistance to the states and individuals. The law included a provision to allow the Attorney General to expand the amount of time people in federal prison could spend on home confinement. Typically, the Bureau of Prisons (BOP) is authorized to send someone to home confinement only at the very end of their sentence. Congress's decision to expand the period of home confinement to help mitigate the spread of Covid-19 in federal prisons saved lives. Since last March, the BOP placed nearly 22,000 people on home confinement, with more than 7,500 currently on home confinement.

On January 15, 2021, in the waning days of the Trump administration, the Justice Department's Office of Legal Counsel issued a memo arguing that the CARES Act requires the BOP to return those serving extended home confinement terms back to federal prison. We believe this memo is wrong as a matter of law – the CARES Act includes no such requirement – and harmful to the wellbeing of thousands of families and communities.

The vast majority of those people on home confinement today have reunited with their families and are working and contributing to society. They were not told they would have to return to prison and forcing them to do so would be cruel and devastating. You rightly pledged to reduce the federal prison population. Sending thousands of people back to federal prison who have already proven that they do not need to be there would undermine this commitment and would undermine, not advance, public safety.

Rather than follow through on the Trump administration's misguided scheme to send people back to prison, we urge you to use your executive clemency authority or direct the Justice Department to seek compassionate release for people who have demonstrated that they no longer

need to be under federal supervision. Reducing sentences for those who have successfully reintegrated into their communities would keep families together, save money, and improve public safety.

Sincerely,



BONNIE WATSON COLEMAN  
Member of Congress

/s/  
KELLY ARMSTRONG  
Member of Congress

/s/  
KAREN BASS  
Member of Congress

/s/  
EARL BLUMENAUER  
Member of Congress

/s/  
CORI BUSH  
Member of Congress

/s/  
ANDRÉ CARSON  
Member of Congress

/s/  
STEVE COHEN  
Member of Congress

/s/  
DANNY K. DAVIS  
Member of Congress

/s/  
ADRIANO ESPAILLAT  
Member of Congress

/s/  
RAUL M. GRIJALVA  
Member of Congress

/s/  
SHEILA JACKSON LEE  
Member of Congress

/s/  
PRAMILA JAYAPAL  
Member of Congress

/s/  
HAKEEM JEFFRIES  
Member of Congress

/s/  
MONDAIRE JONES  
Member of Congress

/s/  
ROBIN L. KELLY  
Member of Congress

/s/  
BARBARA LEE  
Member of Congress

/s/  
GRACE MENG  
Member of Congress

/s/  
JERROLD NADLER  
Member of Congress

/s/  
ELEANOR HOLMES NORTON  
Member of Congress

/s/  
ALEXANDRIA OCASIO-CORTEZ  
Member of Congress

/s/  
ILHAN OMAR  
Member of Congress

/s/  
BOBBY L. RUSH  
Member of Congress

/s/  
JAN SCHAKOWSKY  
Member of Congress

/s/  
BENNIE THOMPSON  
Member of Congress

/s/  
RASHIDA TLAIB  
Member of Congress

/s/  
RITCHIE TORRES  
Member of Congress

/s/  
DAVID TRONE  
Member of Congress

/s/  
NYDIA M. VELÁZQUEZ  
Member of Congress