

Congress of the United States
Washington, DC 20515

October 28, 2020

Mr. Michael Carvajal
Director
Federal Bureau of Prisons
320 First Street NW
Washington, DC 20534

Mr. Carvajal:

We are writing to express grave concerns regarding potential impediments that prevent access to economic impact payments (EIPs) for people who are incarcerated. On October 14, 2020, a federal judge granted final summary judgement to incarcerated plaintiffs requiring Treasury to stop wrongfully withholding EIPs from incarcerated individuals. The Federal Bureau of Prisons (BOP) has a responsibility to ensure that all individuals in its custody are able to complete tax documents and access funds appropriated to them by Congress in a timely fashion. Whether intentional or unintended, any action to undermine, delay, or infringe upon the rights of our neighbors behind the wall will not be tolerated. It is critical that BOP works expeditiously to clear all barriers in the path of people seeking to receive their EIPs.

Congress passed the CARES Act to provide financial assistance to people affected by the ongoing pandemic. We authorized EIPs to provide economic relief to a wide range of individuals, regardless of whether they are incarcerated. The ongoing public health crisis and economic downturn have created new challenges and exacerbated previous systemic inequities, resulting in disproportionate harm to our most vulnerable communities. Before the pandemic, people in prisons and jails and their families faced significant financial hardship. A national study found that people who are incarcerated had a median annual income of \$19,185 prior to their incarceration, which is 41% less than their non-incarcerated counterparts. During the current recession, EIPs serve as a lifeline for people experiencing economic distress further compounded by health concerns.

As you know, people who are incarcerated were prevented from accessing EIPs based on flawed guidance from the Internal Revenue Service (IRS). As a result, prisons and jails intercepted payments to people who should have received them and returned them to the IRS. For example, more than \$200,000 in stimulus payments were wrongfully seized in Kansas. A federal court has ruled against the IRS policy and the agency has since updated its website and guidance to reflect the decision. However, the issue is not resolved. The harm must be repaired, and people who are incarcerated and their families must receive the relief they are entitled to.

Unfortunately, there has been alarming reports that BOP officials may be actively preventing people from learning about and obtaining EIPs. In one instance, your agency banned a newsletter to nearly 11,000 people that discussed accessing economic relief. A separate e-mail on the same topic to more than 6,700 people was also barred from delivery. BOP justified its actions by claiming the information was “detrimental to the security, good order, or discipline of the facility, or might facilitate criminal activity.” This explanation is fallacious and unacceptable. When coupled with other reported actions, like confiscated forms delivered by mail, there is an appearance of a coordinated campaign to keep individuals in BOP custody uninformed and impoverished. This injustice is unconscionable.

It is absolutely critical that BOP does all it can to ensure EIPs reach individuals in its custody. To deny aid to people who are suffering is flagrant cruelty. And in this case, it is also illegal and contrary to Congressional action and judicial rulings.

To better understand the actions of the Federal Bureau of Prisons, we request that you respond in detail to the following questions:

1. According to the aforementioned news reports, BOP officials prevented e-mail correspondence that informed people who are incarcerated from learning how to access their EIPs. What specific content was detrimental to BOP operations or might facilitate criminal activity? How was this determination made? Which senior BOP officials signed off on this decision?
2. Since the court's grant of a preliminary injunction that confirmed the eligibility of people who are incarcerated, how has the Bureau of Prisons informed individuals in its custody of their right to access and request EIPs?
3. Since the passage of the CARES Act in March 2020, what guidance (if at all) has BOP provided state, tribal, and local entities regarding the distribution of relevant tax documentation and eligibility for EIPs?
4. As of the date of the receipt of this letter, what restrictions are in place that limit the ability of people who are incarcerated to access tax forms online or via mail?
5. How have BOP officials ensured individuals who previously had their EIP intercepted and/or returned by prison and jail officials receive their EIP?
6. What fees are associated with obtaining, completing, and returning tax documents, by mail and electronically, in order to receive an EIP?
7. According to news reports, individuals in BOP custody have raised concerns about the inaccessibility of internet-accessible computers and printers. Please provide data on the number of internet accessible computers and printers that are made regularly available for individuals in custody, please provide this data disaggregated by BOP facility.

With an upcoming deadline to file set by the IRS, we request that you prioritize responding to this letter by November 6. Do not hesitate to reach out to our office if you have any questions, comments, or concerns.

Sincerely,



Ayanna Pressley
Member of Congress



Danny Davis
Member of Congress