

**Congress of the United States**  
**Washington, DC 20515**

Tuesday, February 23, 2021

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

Mr. Donald W. Washington  
Director, U.S. Marshals Service  
1215 S Clark St.  
Arlington, VA 22202

Dear Mr. Carvajal and Mr. Washington:

We write with grave concern regarding the COVID-19 practices at the Federal Detention Center (FDC) SeaTac. According to information from the FDC, there were 206 COVID-19 cases on January 6, 2021 – almost a third of the population positive at one time. An outbreak leading to such a high number of cases raises significant questions about the COVID-19 prevention and mitigation measures in place at the FDC.

Members of Congress have repeatedly called on BOP to take more actions to prevent and contain COVID-19 outbreaks at its facilities. It is known that congregate settings such as prisons are at higher risks for transmission and outbreaks of diseases such as COVID-19. Please provide responses to the below questions and requests for information by March 5, 2021:

- How many incarcerated individuals were transferred into the FDC between August 1, 2020 and December 22, 2020 when the moratorium on transfers began? For each week during this period, please provide the number of individuals transferred into FDC and the facility that they came from.
- What procedures were in place to screen incarcerated individuals for COVID-19 during transfer to the FDC and prior to release into the general population at the FDC? This should include, but is not limited to, procedures for quarantining individuals transferring into the FDC, restrictions on interactions between guards and recently transferred individuals, and COVID-19 testing protocols.
  - Did these transfer screening procedures change in any way between August 1 and December 22, 2020? What was the reasoning for changing or deciding not to change the COVID-19 screening and mitigation procedures for transfers?
- Did any individuals transferred to the FDC between August 1 and December 22, 2020 test positive for COVID-19 during screening and prior to being released into the general population? If so, please provide the number of individuals, the types of test used to determine infection, the dates of their positive tests, and the facility they were transferred from.
  - What steps were taken if an individual tested positive after arriving at the FDC, but prior to release into the general population? This should include, but is not limited to, procedures for isolating individuals transferring into the FDC, restrictions on

interactions between guards and COVID-19 positive individuals, and other relevant information.

- Were any attempts made at contact tracing for any individual who tested positive within two weeks of transferring into the facility?
- Were any of the COVID-19 cases at the FDC between October 1, 2020 and January 5, 2021 diagnosed in individuals who had been transferred to the FDC in the prior 30 days.
- According to your office, the moratorium on transfers to the FDC ended on January 6, 2021.
  - What rationale is there for lifting this moratorium?
  - What changes to the transfer process have been made since January 6, 2021 to better screen for and prevent COVID-19 outbreaks? Will the facility's test specimens be sequenced to detect emerging COVID-19 variants?
  - Since January 6, 2021, how many incarcerated individuals have been transferred to the FDC? What is the breakdown of the facilities that the individuals were transferred from?
- What resources, equipment, and/or mitigation measures are in place to protect facility staff from COVID-19 infections? What type and frequency of testing is available to staff to detect COVID-19?
- How has the BOP used its discretion to reduce the population at the FDC in accordance with March 26, 2020 memorandum from Attorney General Barr, and the provisions in the First Step Act and the CARES Act granting authorities to transfer vulnerable individuals through compassionate release and elderly home confinement? How many incarcerated individuals at the FDC have been identified as eligible for safe release? How many individuals at the FDC have been released under these authorities?
- Legal advocates have expressed difficulties communicating with their clients at the FDC throughout the pandemic. During the recent outbreak, the FDC added even more restrictions on the ability of individuals who had tested positive to communicate with their legal counsel including prohibiting access to telecommunications. These restrictions on access to counsel are alarming.
  - What steps is the FDC taking to not overly restrict and improve the ability for legal counsel to communicate with their clients?
  - What investments are being made and other actions being taken at the FDC now to ensure future restrictions on telecommunications will not be necessary even in the event of another outbreak?
- In response to a clear failure to contain COVID-19 at the FDC, what actions has the FDC taken to alter its prevention and mitigation practices to prevent future outbreaks?
- What are the FDC's current vaccine distribution plans, and when does the facility plan to start vaccinating those who are in custody? When does the facility plan to start vaccinating those who work at the facility?

Thank you for your attention to this critical matter.

Sincerely,



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Adam Smith  
Member of Congress



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Patty Murray  
U.S. Senator



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Maria Cantwell  
U.S. Senator



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Pramila Jayapal  
Member of Congress



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Rick Larsen  
Member of Congress



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Suzan DelBene  
Member of Congress



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Derek Kilmer  
Member of Congress



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Kim Schrier, M.D.  
Member of Congress



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Marilyn Strickland  
Member of Congress