



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 29, 2023
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S.J. Res. 47 – A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Justice relating to “Office of the Attorney General; Home Confinement Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act”
(Sen. Blackburn, R-TN, and 28 cosponsors)

The Administration opposes S.J. Res. 47, which would disapprove of the rule submitted by the Department of Justice (DOJ) relating to Home Confinement under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The bipartisan passage of the CARES Act in March 2020 under the previous Administration expanded the discretion of DOJ’s Bureau of Prisons (BOP) to transfer people to home confinement to serve the remainder of their full sentences. In exercising this CARES Act authority, DOJ employed stringent criteria to determine eligibility for home confinement, transferring only medically vulnerable people with “low” risk assessment scores from low-security or minimum-security facilities who have served most of their sentences and achieved rehabilitative success in prison. These people were convicted of nonviolent offenses, were not involved in any acts of violence or gang involvement while in prison, and did not have any disciplinary infractions in the preceding 12 months.

Of the over 13,000 people released to home confinement under the CARES Act, less than one percent have committed a new offense—mostly for nonviolent, low-level offenses—and all were returned to prison as a result. Moreover, since home confinement is less than half the cost of housing someone in prison, this program has saved taxpayers millions of dollars and eased the burden on BOP staff so they can focus on the higher risk and higher need people in Federal prison. DOJ has issued a Final Rule clarifying that BOP has discretion to make individualized, fact-specific determinations to ensure the approximately 3,600 people remaining in home confinement are not unnecessarily returned to prison, so long as they comply with their home confinement conditions, while also ensuring that people who commit infractions are subject to proportional and escalating sanctions, including return to prison. Congress should allow this rule to proceed.

If the President were presented with S.J. Res. 47, he would veto it.

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