Congress of the United States
Washington, DC 20515

July 21, 2015

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Lynch:

Beginning on November 1st of this year, over 10,000 federal prison inmates will be released early from Bureau of Prisons (BOP) custody. This includes inmates with violent criminal histories, who have committed crimes involving assault, firearms, sodomy, and even murder.

In early 2014, the Sentencing Commission promulgated Amendment 782, which imposed a two-level reduction in the base offense levels for all drug trafficking and distribution offenses, including trafficking offenses that involve drug quantities substantial enough to trigger mandatory minimum sentences. The Commission made those reductions retroactive, applying them to all inmates in BOP custody who are serving a sentence for a drug offense. Over the past year, thousands of federal inmates have filed motions with their courts of jurisdiction for sentence reductions.

During the Commission's consideration of Amendment 782, we sent a letter to Sentencing Commission Chairwoman Patti Saris, expressing concerns that the Commission would "choos[e] to fulfill its mandate to 'minimize the likelihood that the federal prison population will exceed the capacity of the federal prisons' by reducing sentences for violent drug traffickers," and that the effect of this amendment would be "to reduce sentences for some of the most egregious drug traffickers and distributors." That letter is attached for your reference. Unfortunately, our concerns were ignored and Amendment 782 went into effect on November 1, 2014. It is our understanding that tens of thousands of federal inmates are eligible for early release as a result, and that the BOP inmate population will fall by more than 12,000 inmates by the end of fiscal year 2016.[1] Overall, the Sentencing Commission has estimated that 46,376 prisoners are eligible for early release under Amendment 782 – with nearly 8,000 offenders eligible for immediate release on November 1, 2015.[2]

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[1] *See, e.g.*, "GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT," *available at* http://www.ussc.gov/sites/default/files/pdf/research-and-publications/retroactivity-analyses/drug-guidelines-amendment/20150624-Drug-Retro-Analysis.pdf.
[2] *See* Memorandum from Office of Research and Data, U.S. Sentencing Commission, to Chair Patti Saris et al., July 25, 2014.

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As Chairmen of the two Congressional Committees with oversight of the Department of Justice, it is imperative that we have a complete understanding of the impact the release of these drug traffickers will have on the public safety of our communities. It is also important for us to know the impact that an inmate release of this magnitude will have on the federal prison system. Accordingly, we request that you provide our Committees with information on each federal offender who will be released on November 1 or afterward pursuant to Amendment 782. That information should be broken down by judicial district, and should include:

1. The number of offenders who are eligible to be released from BOP custody pursuant to Amendment 782, and the number of offenders who have projected release dates;

2. Each offender's full name, as well as any known aliases;

3. A description of the offense for which the offender is presently incarcerated;

4. The length of the offender's present sentence, including the amount of time the offender has served and the amount of time the offender will not serve as a result of the early release;

5. The offender's country of citizenship, and whether BOP has notified or intends to notify ICE about the release of any unlawful criminal aliens;

6. The offender's projected release date, and

7. A description of the criminal history for the offender, including dates of prior convictions and prison terms served for those convictions.

Please provide this information, in a searchable electronic format, no later than **August 15, 2015**. Thank you for your attention to this important request. We appreciate your prompt reply.

Sincerely,

BOB GOODLATTE
Chairman
House Judiciary Committee

CHUCK GRASSLEY
Chairman
Senate Judiciary Committee

Attachment

cc: The Honorable Patti Saris
Chair, United States Sentencing Commission