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Federal Bureau of Prisons

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Video Visiting and Telephone Calls Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act

/s/
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This Operations Memorandum provides for the extension of the use of additional regulatory provision in volume 28, Code of Federal Regulations, Chapter V, part 540, regarding Contact With Persons in the Community, Subpart I, Telephone Regulations for Inmates.

On March 13, 2020, the President of the United States declared a national emergency existed with respect to the outbreak of the novel coronavirus, SARS-Co V-2, known as Coronavirus Disease 2019 (COVID-19). Proclamation 9994 of March 13, 2020, 85 FR 15337 (Mar. 18, 2020), available at https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-corona-disease-covid-19-outbreak/.

In the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Congress provided that, during the emergency period beginning on the date the President declared a national emergency with respect to COVID-19 and ending on the date 30 days after the date on which the national emergency declaration terminates, if the Attorney General finds that emergency conditions will materially affect the functioning of the Bureau of Prisons (Bureau), the Director of the Bureau shall promulgate a regulation regarding the ability of inmates to conduct visitation through video teleconferencing and by phone, free of charge to inmates. *See* CARES Act, Pub. L. 116-136, § 1203(c)(1), 134 Stat 281, 618 (2020) [HR 748].

On April 9, 2020, the Bureau of Prisons began exercising the authority authorized by the

Attorney General under the CARES Act.

Addition to the regulatory provision in volume 28, Code of Federal Regulations, Chapter V, part 540, regarding Contact With Persons in the Community, Subpart I, Telephone Regulations for Inmates, as follows:

§ 540.106 Video Visiting and telephone calls under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(a) During the "covered emergency period" as defined by the CARES Act with respect to the coronavirus disease (COVID-19, when the Attorney General determines that emergency conditions will materially affect the functioning of the Bureau of Prisons (Bureau), the Bureau may, on a case-by-case basis, authorize inmates to conduct visitation through video teleconferencing and telephonically, free of charge to inmates, notwithstanding provisions in part 540 to the contrary.

(b) Access to video and telephone visitation will only occur consistent with logistical and security provisions in this subpart to ensure Bureau safety, security and good order and protection of the public.

(c) Access to video and telephone visitation under this section may be modified, terminated, or reinstated during the emergency period based upon a determination by the Director, as designee of the Attorney General, regarding the level of material effect that emergency conditions continue to have on Bureau functions.

(d) Misuse of Bureau systems or technology may result in communication restriction and/or disciplinary action under 28 CFR part 541.

(e) Inmates may challenge the Bureau's decisions under this section through the Bureau's administrative remedy program under CFR part 542.