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## United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

November 12, 2024

Colette Peters  
Director  
Federal Bureau of Prisons  
320 First Street N.W.  
Washington, DC 20534

Dear Director Peters,

We write to request information from the Bureau of Prisons (BOP) regarding the implementation of the First Step Act (FSA). Specifically, we seek documents pertaining to the implementation of 18 U.S.C. § 3621(h)(5)(A).

As you know, the FSA prioritized recidivism reduction programming within BOP and required that BOP work with “Nonprofit(s) and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.”<sup>1</sup> The intent of this language was to create robust public-private partnerships between BOP and private organizations, including faith-based organizations, to provide recidivism reduction programming. Returning citizens need as many tools as possible to ensure a successful transition, enabling these individuals to thrive when reentering their communities. We call on the BOP to ensure a diverse range of community-based, private and nonprofit program options are available across BOP facilities, as directed in the FSA.

The FSA was signed into law over five years ago, but the implementation of recidivism reduction partnerships appears stagnant. According to the 2022 First Step Act Annual Report, BOP received eleven external applications to provide Evidence Based Recidivism Reduction (EBRR) and Productive Activities (PA). BOP approved four new programs, one as an EBRR and three as productive activities. Of the approved productive activities, one program was faith-based.<sup>2</sup> The 2023 First Step Act Annual Report noted that the BOP has expanded its programming capacity by adding staff and creating new programs.<sup>3</sup> The report does not list how many external applications the BOP received that year or how many were approved. Additionally, we learned through communication with BOP that since the FSA became law, BOP has received eight external faith-based applications. Of the eight external faith-based applications, five were denied, two were approved, while another remains pending review. To the best of our knowledge, the two that have been approved are PAs, meaning there are currently zero external faith-based EBRRs operating

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<sup>1</sup> 18 U.S. Code § 3621(h)(5)(A)

<sup>2</sup> <https://www.ojp.gov/first-step-act-annual-report-april-2022>

<sup>3</sup> <https://www.ojp.gov/first-step-act-annual-report-april-2023>

within BOP. These numbers are concerning, particularly at a time when individuals across the BOP system are on waitlists to participate in EBRR programming.

To gain better insight into the application and selection process for EBRRs and PAs under the FSA, we request the following information:

1. All documents pertaining to the application and selection process for EBRRs and PAs under the FSA, including any documents that detail the factors used to weigh and select external applicants.
2. Complete data summarizing the approval or rejection of all external applicants that have applied to be an EBRR or PA since the passage of the FSA. Such data shall be delineated by the category of the applicant- including faith-based, art, community-based, higher education, and other private entities.
3. Documents that reflect BOP's policies regarding implementation of 18 U.S.C. § 3621(h)(5)(A), including documents and directives BOP has given to external consultants that are responsible for reviewing and rating external applicants, as well as documents used to determine "needs of the sentenced population," per the "Programs Guide."<sup>4</sup>
4. The results of the independent contractor review of all BOP programs that was scheduled to conclude in November 2023.
5. Information regarding current funding levels for the implementation of the FSA and analyzing whether the additional federal funding would enable more fulsome implementation of 18 U.S.C. § 3621(h)(5)(A).

Please provides these documents by December 13, 2024.

Sincerely,



James Lankford  
Ranking Member  
Subcommittee on Government Operations  
and Border Management



Gary C. Peters  
Chairman  
Senate Committee on Homeland Security  
and Governmental Affairs

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<sup>4</sup> <https://www.federalregister.gov/d/2022-00918/p-65>