August 14, 2019

The Honorable Jerry Moran
Chair, Senate Subcommittee on Commerce, Justice, Science, and Related Agencies
521 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Jeanne Shaheen
Ranking Member, Senate Subcommittee on Commerce, Justice, Science, and Related Agencies
506 Hart Senate Office Building
Washington, D.C. 20510

CC: The members of the Senate Subcommittee on Commerce, Justice, Science, and Related Agencies.

Dear Chair Moran and Ranking Member Shaheen:

On December 21, 2018, President Trump signed the First Step Act (P.L. 115-391) into law after it passed through Congress with wide bipartisan margins in both chambers. Now that Congress has agreed on a budget deal, we write to urge this subcommittee to appropriate the full amount authorized by the First Step Act, $75 million, to the Bureau of Prisons (BOP) in order to implement the First Step Act faithfully, and in a manner consistent with Congress's intent in passing the law.

We, the undersigned organizations, each supported passage of the First Step Act and we believe that the full funding of the First Step Act is critical to accomplishing the new law's goals. The First Step Act marks a drastic and much needed shift towards a strong rehabilitative framework within the BOP. We do not believe this transformation can be accomplished without Congressional appropriation.

At the core of this new law is an incentive-based system of programming that will help improve public safety but will require financial investment in order to be fully beneficial. The First Step Act requires that the BOP provide evidence-based recidivism reduction programming and productive programming to each individual. The BOP currently faces a shortage of both, and some key programs face long waitlists, such as the Residential Drug Abuse Program.

In order to increase participation in these rehabilitative programs, the First Step Act requires that the BOP implement a system of incentives for successful programming — ranging from an increase in the phone time allotted to inmates to increased time in pre-release custody for certain eligible individuals. Although these incentives and corresponding rehabilitative programming will eventually help thousands of people turn their life around, they first require funding. Additionally, as with any change in a system like the BOP – there must be investments made into training staff to assist in proper implementation. Investments in these programs are not only crucial to the implementation of the First Step Act but crucial to the successful rehabilitation of incarcerated individuals.

Research indicates that approximately 97% of people incarcerated within the BOP will one day return home to the community. It is important that time spent while incarcerated is rehabilitative and prepares people for successful reentry. Congress made a firm commitment to criminal justice reform when it passed the First Step Act — it is time for Congress to reaffirm this commitment by fulling funding its implementation. We cannot leave it to the Department of Justice to reallocate existing funds to implement these reforms — spreading thin the already limited resources within the Bureau of Prisons.

The success of these programs will lead to cost-savings in the long run, but in order to achieve these goals we cannot afford to underfund this important initiative.

We thank you for your time and consideration. Please feel free to reach out to Daniel Landsman of FAMM or Inimai Chettiar of the Justice Action Network if you have any further questions.

Sincerely,

FAMM
Justice Action Network
FreedomWorks
Due Process Institute
Sentencing Project
American Conservative Union
Prison Fellowship
Faith and Freedom Coalition
R Street Institute
Americans for Prosperity
Drug Policy Alliance
Law Enforcement Leaders to Reduce Crime and Incarceration
The Leadership Conference on Civil and Human Rights