

United States Senate

WASHINGTON, DC 20510

March 21, 2025

The Honorable Pamela J. Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Bondi:

We are deeply concerned by the recent testimony before the House Appropriations Committee¹ indicating that the Bureau of Prisons (BOP) will be reducing or eliminating retention incentives at numerous facilities across the nation.

Last month, 23,000 BOP employees were notified that the agency will halve or entirely eliminate their retention bonuses beginning March 23, 2025.² The Bureau is already grappling with extreme understaffing at BOP institutions. In part, this is due to salaries and benefits for both correctional and non-correctional staff that are already less competitive with other law-enforcement institutions. As set forth in a February 2024 letter to then-President Biden from the President of the Council of Prison Locals 33 (CPL), American Federation of Government Employees AFL-CIO, Brandy Moore White, the Bureau has lost “almost 9,000 staff since 2016,” bringing the federal prison workforce down to a “critical level.”³ As of December 2024, BOP is authorized for 14,900 full-time correctional officer positions and reported 12,662 officers in pay status.⁴ BOP is additionally authorized for 27,498 “other” positions, of which the Bureau reports 23,949 are in pay status.⁵

Understaffed prisons already face immense challenges in keeping current populations and staff safe, ensuring access to necessary medical and dental care, and fully implementing the *First Step Act* in order to reduce recidivism risk and promote public safety. While retention bonuses alone will not solve BOP’s staffing crisis, this additional pay has been “the only mechanism to recruit and retain individuals over the last year” according to CPL President Moore White.⁶ Reducing and eliminating staff retention incentives are certain to exacerbate staffing shortages and

¹ See generally *Oversight Hearing – Federal Bureau of Prisons: Hearing Before the Subcomm. on Commerce, Justice, Science, and Related Agencies of the H. Comm. on Appropriations*, 119th Cong. (2025), <https://appropriations.house.gov/schedule/hearings/oversight-hearing-federal-bureau-prisons>.

² Sarah Roebuck, *BOP Slashes Retention Bonuses, Impacting Thousands of Correctional Officers*, CORRECTIONS1, (Feb. 27, 2025) <https://www.corrections1.com/federal-prison/bop-slashes-retention-bonuses-cutting-pay-for-thousands-of-prison-staff>.

³ Letter from Council of Prison Locals National President Brandy Moore-White to President Joe Biden (Feb. 2024), <https://www.afge.org/globalassets/documents/generalreports/2024/whitehouse-letter---staffing-and-pay-issues.pdf>.

⁴ *Federal Bureau of Prisons Fact Sheet*, Fed. Bureau of Prisons (Dec. 10, 2024), https://www.bop.gov/about/statistics/docs/fbop_fact_sheet.pdf.

⁵ *Id.*

⁶ COUNCIL OF PRISON LOCALS C-33, Formal Statement: Bureau of Prisons Makes Sweeping Decision to cut Retention Pay (Feb. 25, 2025) https://www.afge.org/globalassets/_council-assets/cpl-33/documents/cpl-33-retention-statement-1.pdf.

attendant problems by reducing the ability of BOP to both attract new candidates and retain current employees.

Staff at seven correctional institutions across multiple states will see retention incentives eliminated entirely: USP Atwater, MDC Los Angeles, and FCI Mendota in California; FDC Miami in Florida; FCI Otisville in New York; FCI Pekin in Illinois; and FCI Sheridan in Oregon. Staff at 42 other facilities⁷ will see retention incentives cut by 50 percent, affecting facilities in states across the country, including Alabama, Arkansas, Arizona, California, Colorado, Florida, Hawaii, Illinois, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin. These reductions and eliminations are significant and will have grave impacts nationwide.

Unfortunately, we have already seen the crisis that reduction of retention incentives creates for correctional facilities. Last year, over the objection of members of Congress, BOP removed retention incentives for staff at FCI Thomson in Illinois. As expected, that has resulted in severely deteriorated staffing—according to the facility’s local union president, FCI Thomson currently has 134 vacant positions, including 100 unfilled correctional officer positions. The decision to expand the reduction and elimination of retention incentives at more facilities will inevitably lead to similar, unacceptable crises across BOP. Accordingly, to better understand the causes of BOP’s decision to reduce and eliminate these critical retention incentives, we request your prompt response to the following questions no later than April 11, 2025:

1. What facilities will be impacted by the reduction or elimination of retention incentives? Please specify the extent of the change to incentives by institution, as well as the number of staff anticipated to be impacted. How were these institutions selected?
2. What other changes to incentives, if any, will BOP be implementing?
3. In written testimony submitted to the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, BOP Associate Deputy Director Kathleen Toomey acknowledged that “incentives work to increase staffing levels,” but that “they are not a long-term solution.”⁸ Given the Bureau’s decision to reduce and/or eliminate retention incentives at several institutions, please:
 - a. Explain what efforts, if any, BOP has made to evaluate alternatives to retention incentives that may help mitigate the staffing shortage and detail any alternatives identified and the stage of their implementation; or

⁷ The correctional facilities impacted are: FCI Aliceville, FCC Allenwood, FCC Beaumont, FCI Bennettsville, FCI Berlin, FCI Big Spring, MDC Brooklyn, FCC Butner, MCC Chicago, FCC Coleman, FMC Devens, FCI Dublin, FCI Edgefield, FCI El Reno, FCI Englewood, FCC Florence, FCC Forrest City, FCI Fort Dix, FCC Hazelton, FCI Herlong, FDC Honolulu, USP Leavenworth, USP Lewisburg, FCC Lompoc, FCI McKean, FCI Memphis, FCI Oxford, FCC Petersburg, FDC Philadelphia, FCI Phoenix, FCC Pollock, FCI Ray Brook, FMC Rochester, MCC San Diego, FCI Sandstone, FDC SeaTac, USMCFP Springfield, FCI Talladega, FCC Victorville, FCI Waseca, FCI Williamsburg, and FCC Yazoo City.

⁸ Statement of Kathleen Toomey, U.S. DEP’T OF JUST., 3-4 (Feb. 26, 2025), <https://docs.house.gov/meetings/AP/AP19/20250226/117920/HHRG-119-AP19-Wstate-ToomeyK-20250226.pdf>.

- b. Explain, if applicable, why BOP has not conducted such an evaluation or identified alternatives to reducing and/or eliminating retention incentives.
4. Please explain the process used by BOP to determine that reducing and/or eliminating retention incentives would be necessary.
5. Given the central role incentives play in recruiting and retaining staff, it is likely that reducing these incentives will exacerbate the nationwide staffing crisis. To compensate for staffing shortages, two tools BOP relies on heavily are overtime and augmentation. Associate Deputy Director Toomey's written testimony stated that BOP spent \$437.5 million in overtime costs for Fiscal Year 2024.⁹
 - a. Has BOP evaluated, estimated, or projected the impact that a decrease in BOP's overall staffing levels resulting from incentive reduction will have on the Bureau's overtime expenditures? If no, why not? If yes, please detail the results of that evaluation, estimation, or projection. Does BOP expect cost-savings will result in the short-term? What about in the long-term?
 - b. Has BOP evaluated, estimated, or projected the impact that a decrease in BOP's overall staffing levels resulting from incentive reduction will have on the Bureau's use of augmentation? If no, why not? If yes, please detail the results of that evaluation, estimation, or projection.
 - c. Has BOP evaluated, estimated, or projected the impact that a decrease in BOP's overall staffing levels resulting from incentive reduction will have on the Bureau's use of facility lockdowns? If no, why not? If yes, please detail the results of that evaluation, estimation, or projection.
6. In her written testimony, Associate Deputy Director Toomey stated that "[i]n 2024, BOP paid \$229 million in incentives, including \$195 million in retention incentives for current employees."¹⁰ This expenditure was up from \$212 million in incentives during Fiscal Year 2023.¹¹
 - a. What amount of appropriated funding was set aside for retention incentives during Fiscal Years 2023 and 2024?
 - b. If retention incentive expenditures exceeded funds set aside for this purpose, where did the Bureau pull funds from to cover these expenditures?
 - c. Is funding for mandatory pay raises and retention incentives drawn from the same funding source?

⁹ *Id.* at 3.

¹⁰ *Id.*

¹¹ *Id.*

- d. How can Congress ensure the hardworking men and women in BOP are not denied a portion of their pay and benefits that they have come to rely on?
7. Please provide a detailed account of:
- a. All other steps BOP has taken to address this budgetary shortfall;
 - b. When such steps were taken; and
 - c. The extent of anticipated cost savings and/or cost avoidance.

We are gravely concerned about the consequences that the reduction and/or elimination of retention incentives will have on the safe and effective functioning of BOP. While the Trump Administration works to slash the spending and budgets of executive agencies, BOP is already severely understaffed as the Bureau tries to uphold its public safety mandate. To be sure, the Trump Administration has already exempted certain positions critical to law enforcement and public safety from budget cuts. On January 20, 2025, President Trump issued a Presidential Memorandum that imposed a hiring freeze on all federal civilian employees with a carve out for positions related to national security and public safety, which includes BOP correctional staff.¹² While BOP identified and submitted lists of its probationary employees to the Department of Justice,¹³ unlike other agencies, custodial staff on their probationary period were not terminated.¹⁴

It is critical that the Administration continue to exempt positions focused on public safety from efforts to cut the federal budget. But this exemption alone will not maintain operations—BOP must reinstate retention incentives to—at a *minimum*—retain existing staff. Understaffing contributes to safety concerns in prison facilities, increases the use of mandatory overtime and augmentation for staff and segregation and lockdowns for those incarcerated, impacts incarcerated individuals' access to essential services such as medical, dental, and mental health care, and hinders the successful implementation of the *First Step Act*.

Ultimately, curtailing the Bureau's chronic staffing shortages is imperative to ensuring the health, safety, and morale of BOP staff, as well as the health, safety, and rehabilitation of incarcerated persons. While we appreciate the difficulty of the current fiscal climate, BOP staff need *more* resources during this time, not less.

We stand ready to work with the Department of Justice and BOP to ensure that the Bureau has the support and resources necessary to carry out its mandate and ensure the wellbeing of both

¹² Hiring Freeze, 90 Fed. Reg. 8247 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/28/2025-01905/hiring-freeze>; Eric Katz, *Trump Exempted Public Safety Roles from His Hiring Freeze. Federal Firefighters, Prison Guards and Food Inspectors Wonder Why They Don't Count*, GOV'T EXEC. (Feb. 10, 2025), <https://www.govexec.com/workforce/2025/02/trump-exempted-public-safety-roles-his-hiring-freeze-federal-firefighters-prison-guards-and-food-inspectors-wonder-why-they-dont-count/402871/>.

¹³ Walter Pavlo, *Trump's 'Deferred Resignation' Causes Confusion At Bureau Of Prisons*, FORBES (Jan. 30, 2025) <https://www.forbes.com/sites/walterpavlo/2025/01/30/trumps-deferred-resignation-causes-confusion-at-bureau-of-prisons/>.


¹⁴ See *Oversight Hearing – Federal Bureau of Prisons: Hearing Before the Subcomm. on Commerce, Justice, Science, and Related Agencies of the H. Comm. On Appropriations*, 119th Cong. (Feb. 2025) (Statement of Kathleen Toomey).

staff and those in custody, and we urge you to fully restore retention incentives to *all* facilities where they have been reduced or eliminated. Thank you for your attention to this matter.

Sincerely,




Richard J. Durbin
United States Senator



Cory A. Booker
United States Senator



Adam B. Schiff
United States Senator



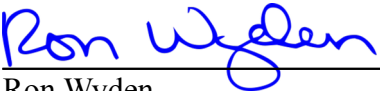
Margaret Wood Hassan
United States Senator



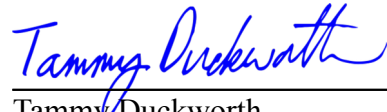
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Elizabeth Warren
United States Senator



Ron Wyden
United States Senator



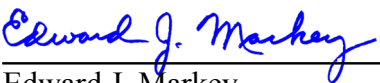
Tammy Duckworth
United States Senator



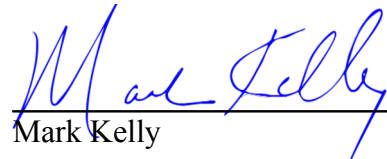
Raphael Warnock
United States Senator



Tina Smith
United States Senator



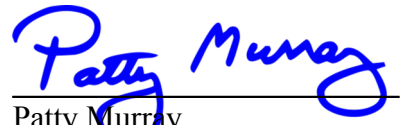
Edward J. Markey
United States Senator



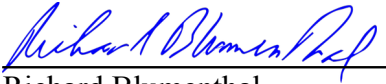
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Patty Murray
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Richard Blumenthal
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