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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

August 4, 2021

Michael Carvajal
Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street NW
Washington, D.C. 20534

Dear Director Carvajal:

We write to follow up on our June 29, 2021 letter requesting information on the Federal Bureau of Prisons' (BOP) inmate Trust Fund/Deposit Fund program, to which we have not yet received a response. Recent reports that BOP may be failing to ensure that victims of former USA Gymnastics doctor Larry Nassar receive thousands of dollars in restitution raise urgent new concerns about BOP's handling of inmate accounts, and the extent to which the accounts may be inappropriately used to shelter funds owed to victims of crimes.

Last week, *The Washington Post* reported that despite deposits into Nassar's inmate trust account totaling over \$12,825.00 over the last three and a half years, BOP has only required him to pay about \$300.00 toward satisfying fines and restitution imposed as part of his sentence for child pornography.¹ These reports are deeply disturbing—and, as we noted in our last letter, they do not reflect the assurances that BOP staff gave Committee staff earlier this year, when they said that BOP regularly assessed inmate accounts to ensure that inmates pay their debts, including restitution to crime victims and fines. Nassar owes over \$60,000 in restitution and special assessments to the victims of his child sexual abuse.² To the extent Nassar has the resources to make payments to his victims, he must fulfill these obligations.

It is BOP's responsibility to ensure that the accounts it manages are properly managed and monitored—and that inmates use funds in these accounts to pay their debts, including restitution to crime victims and fines. We reiterate our request for an immediate briefing on BOP's oversight of the inmate Trust Fund/Deposit Fund program and again ask that you respond to our pending requests for information as soon as possible. In addition to responding to the outstanding requests from our June 29 letter, please also provide responses to the following questions as soon as possible and no later than August 18, 2021:

¹ https://www.washingtonpost.com/national-security/larry-nassar-prison-bank-account/2021/07/28/abdf6560-ee14-11eb-bf80-e3877d9c5f06_story.html

² *United States v. Lawrence G. Nassar*, 16-CR-642-JTN, Government Motion to Turn Over Funds in Inmate Trust Account to Apply to Criminal Monetary Penalties dated July 28, 2021 (ECF No. 69).

- 1) Please provide the most recent Inmate Financial Responsibility Plan (IFRP) for Larry Nassar and any previous versions of the plan that were active during Nassar's incarceration.
 - a. Please explain how BOP arrived at the determination that Nassar should pay \$100 monthly, or any other sum it determined appropriate, towards court fines and restitution.
 - b. Has BOP re-evaluated or re-assessed Nassar's IFRP since its initial assessment? As part of BOP's evaluations did BOP review Nassar's inmate account balance?
- 2) Please state whether BOP reviewed and assessed Nassar's COVID-19 stimulus payments for the satisfaction of court-ordered debts.
- 3) Does BOP routinely require an inmate to pay only the minimum monthly contribution towards court fines irrespective of an inmate's financial status?
- 4) Did BOP notify any law enforcement agency, such as the U.S. Marshals or a U.S. Attorney's office, that funds were potentially available for seizure in Nassar's BOP trust account, as is suggested by reporting from CNN?³
- 5) Please provide the complete transaction log for Nassar's BOP trust account.

Thank you for your time and consideration.

Sincerely,



RICHARD J. DURBIN
Chairman



CHARLES E. GRASSLEY
Ranking Member

³ <https://www.cnn.com/2021/07/29/us/larry-nassar-court-payments-motion/index.html>