

PATRICK J. LEAHY, VERMONT  
DIANNE FEINSTEIN, CALIFORNIA  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
ALEX PADILLA, CALIFORNIA  
JON OSSOFF, GEORGIA

CHARLES E. GRASSLEY, IOWA  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
BEN SASSE, NEBRASKA  
JOSHUA D. HAWLEY, MISSOURI  
TOM COTTON, ARKANSAS  
JOHN KENNEDY, LOUISIANA  
THOM TILLIS, NORTH CAROLINA  
MARSHA BLACKBURN, TENNESSEE

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 17, 2022

Colette S. Peters  
Director  
Federal Bureau of Prisons  
320 First Street, NW  
Washington, DC 20534

Dear Director Peters:

I write to express my concern that Residential Reentry Centers (RRCs) contracted with the Federal Bureau of Prisons (BOP) are not receiving timely payment on their invoices, causing extreme financial hardship for these organizations.

As you stated during your investiture and emphasized again in your recent testimony before the Senate Judiciary Committee, it is the responsibility of BOP to make returning citizens “good neighbors.” RRCs are integral to that goal. RRCs provide programs that help adults in custody rebuild their ties to the community and reduce recidivism by assisting with employment, housing, substance abuse treatment, and medical and mental health care.<sup>1</sup>

The need for robust reentry services is growing. BOP reports that as a result of the First Step Act (FSA), as of September 8, over 18,000 adults in custody have applied FSA earned time credits toward early transfer to prerelease custody and/or adjustment of their projected release dates for early placement in supervised release. RRCs must have sufficient resources to meet this increased demand.

On May 17, the International Community Justice Association (ICJA), whose membership includes a number of RRC contractors, wrote to Attorney General Garland informing him that since October 2021, timely payment of contracted RRC services has been severely disrupted. According to ICJA, as a result of BOP’s non-payment, RRCs have “depleted reserve accounts, stretched lines of credit to their maximum, and are on the edge of not being able to make payroll.”<sup>2</sup>

On July 14, upon my request, the Justice Management Division (JMD) met with my staff to provide information on the delayed payments. JMD indicated that it had set benchmarks to have all invoices received by February 2022 paid by July 2022; invoices received by May 2022 paid by August 2022; and invoices received by July 2022 paid by September 2022. As of this month, however, ICJA still reports significant delays in payment and that BOP has failed to meet the promised benchmarks. ICJA further reports that while many BOP contractors have now received partial payments, there are still significant delays in full payment. Some outstanding invoices date back as far as September 2021.

---

<sup>1</sup> [https://www.bop.gov/about/facilities/residential\\_reentry\\_management\\_centers.jsp](https://www.bop.gov/about/facilities/residential_reentry_management_centers.jsp).

<sup>2</sup> International Community Justice Association Letter to Attorney General Merrick B. Garland, dated May 17, 2022.

Further exacerbating the funding deficit, RRCs have begun to comply with Executive Order 14026, which requires increases to the minimum wage paid to federal contractors.<sup>3</sup> Despite this federal mandate, which I strongly support, BOP has reportedly failed to timely accept and make payments pursuant to contracts that were modified to reflect the required minimum wage increase and corresponding increases to higher-earning employees' wages made to avoid wage compression.

It is imperative that BOP timely pays outstanding invoices so that RRCs are able to provide critical support to citizens returning to the community. I encourage BOP to immediately convene a listening session between BOP leadership, ICJA, and all interested RRC providers, so that BOP can explain the steps it is taking to rectify outstanding issues and RRC contractors can express how BOP's failure to process payments is impacting their mission.

Additionally, I request that you answer the following questions and requests for information as soon as possible, but no later than November 4.

1. By BOP region, please provide (a) the total number of outstanding invoices as of the close of FY22 for all RRC contracts; and (b) the number of these outstanding invoices that were submitted prior to May 2022.
2. For any outstanding invoice submitted prior to May 2022, please identify the contracted RRC, the date of the invoice, and the reason for non-payment.
3. Please explain in detail BOP's plans to timely accept and make payment on RRC contracts modified to comply with Executive Order 14026.

Thank you for your time and consideration. I look forward to your prompt response.

Sincerely,



Richard J. Durbin  
Chair

---

<sup>3</sup> <https://www.federalregister.gov/documents/2021/11/24/2021-25317/increasing-the-minimum-wage-for-federal-contractors>.