

United States Senate

WASHINGTON, DC 20510

April 9, 2019

The Honorable Jerry Moran
Chairman
Subcommittee on Commerce, Justice
Science, and Related Agencies
Senate Committee on Appropriations
Washington, D.C. 20510

The Honorable Jeanne Shaheen
Ranking Member
Subcommittee on Commerce, Justice
Science, and Related Agencies
Senate Committee on Appropriations
Washington, D.C. 20510

Dear Chairman Moran and Ranking Member Shaheen:

As you begin work on the Fiscal Year (FY) 2020 appropriations bill for Commerce, Justice, Science and related agencies (CJS), we respectfully request that you robustly fund the First Step Act (P.L. 115-391), and include bill and report language to ensure that this legislation is fully implemented in a timely manner.

The First Step Act is bipartisan criminal justice reform legislation that passed the Senate 87-12 and was signed into law by President Trump on December 21, 2018. One of the primary goals of this legislation is to encourage prisoners to successfully complete effective and evidence-based recidivism programming so that they will not reoffend once they return to their communities. As the President's Budget for FY 2020 states, we can "break[] [the] cycle of recidivism by better preparing individuals to reenter communities" and "promote public safety by helping prevent individuals who have reentered society from returning to prison."

The First Step Act authorizes \$75 million in annual funding for FY 2019 through FY 2023 to carry out the recidivism reduction title of the Act. While President Trump signed the Act into law less than three months into FY 2019, the Consolidated Appropriations Act, 2019, that was enacted on February 15 did not provide any specific funding for the First Step Act. While the Department of Justice could use general funding to fully implement the bill, so far they have declined to do so. We therefore request that you appropriate enough funds to robustly support the implementation of the First Step Act, taking into account the fact that this amount must cover both FY 2019 and FY 2020. This is consistent with President Trump's statement on April 1, 2019, that, "My administration intends to fully fund and implement this historic law."

We also request that you include the attached bill and report language directing that these funds be used only for recidivism reduction programming and directing the Department of Justice (DOJ) and the Bureau of Prisons (BOP) to fully and expeditiously implement the First Step Act. The First Step Act includes several provisions that took effect immediately, but we understand that some of these reforms have not yet been implemented, including, for example, Section 601 requiring BOP to place prisoners in a facility within 500 driving miles of their primary residence.

The legislation also requires the Attorney General, in consultation with an Independent Review Committee (IRC), to develop and release a risk and needs assessment system no later than July 19, 2019, and implement the system no later than 180 days thereafter. However, the Attorney General has not yet established the IRC, although the legislation's deadline for doing so, January 21, 2019, passed more than two months ago. As a result, we are deeply concerned that DOJ will miss the deadline for issuing the risk and needs assessment system. The fact that DOJ has already missed the deadline for establishing the IRC highlights the importance of robustly supporting the implementation of the First Step Act with appropriated funds that will enable DOJ to meet the deadlines Congress imposed in the First Step Act.

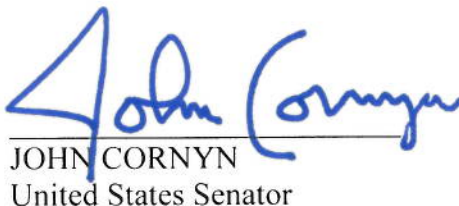
Enactment of the First Step Act was an important bipartisan legislative achievement with overwhelming support from both sides of the aisle and from the President, but it will be a hollow victory if the legislation's critical reforms to promote public safety and make our criminal justice system fairer are not fully and timely implemented. The First Step Act is also projected to reduce federal spending in several key areas. These savings and more efficient use of taxpayer dollars will be delayed or thwarted without robust appropriations to support the implementation of the bill.

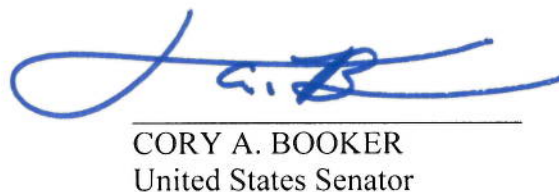
Thank you for your time and consideration.

Sincerely,


CHUCK GRASSLEY
United States Senator


RICHARD J. DURBIN
United States Senator


JOHN CORNYN
United States Senator

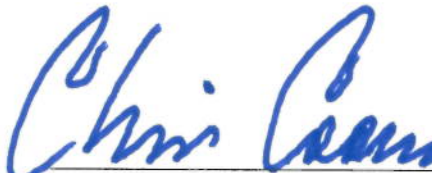

CORY A. BOOKER
United States Senator


TODD YOUNG
United States Senator


SHELDON WHITEHOUSE
United States Senator


DIANNE FEINSTEIN
United States Senator



AMY KLOBUCHAR
United States Senator


CHRISTOPHER A. COONS
United States Senator



RICHARD BLUMENTHAL
United States Senator


MAZIE K. HIRONO
United States Senator


KAMALA D. HARRIS
United States Senator

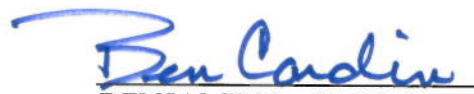

RON WYDEN
United States Senator


JACK REED
United States Senator



THOMAS R. CARPER
United States Senator


DEBBIE STABENOW
United States Senator


ROBERT MENENDEZ
United States Senator


BENJAMIN L. CARDIN
United States Senator


BERNARD SANDERS
United States Senator


SHERROD BROWN
United States Senator

Bob Casey, Jr.

ROBERT P. CASEY, JR.
United States Senator

Mike F. Bennet

MICHAEL F. BENNET
United States Senator

Kirsten Gillibrand

KIRSTEN E. GILLIBRAND
United States Senator

Tammy Baldwin

TAMMY BALDWIN
United States Senator

Angus King

ANGUS S. KING, JR.
United States Senator

Elizabeth Warren

ELIZABETH WARREN
United States Senator

Edward J. Markey

EDWARD J. MARKEY
United States Senator

Chris Van Hollen

CHRIS VAN HOLLEN
United States Senator

Tina Smith

TINA SMITH
United States Senator

Doug Jones

DOUG JONES
United States Senator

Attachment

Bill Language

Provided further, That, notwithstanding any other provision of law, the money appropriated to implement Title 1 of the First Step Act of 2018 (P.L. 115-391) dealing with recidivism reduction shall be available only for that purpose.

Report Language

The Committee directs the Department of Justice and Bureau of Prisons to fully and expeditiously implement the First Step Act (P.L. 115-391). The Committee is concerned that the Department has not yet implemented several provisions of the Act, including the requirement to establish an Independent Review Committee by January 21, 2019. The Committee notes that the Act requires the Department to develop and release a risk and needs assessment system by July 19, 2019, and implement the system no later than 180 days thereafter. The Committee directs the Department to develop and implement a system, which shall assess each prisoner's recidivism risk based on dynamic factors, as quickly as possible, and no later than the deadlines established by the Act. The Department shall report to the Committees on Appropriations and Judiciary of the House and the Senate, within 90 days of enactment of this Act, and every 90 days thereafter, on all actions and expenditures to implement the First Step Act, including activities and expenditures to develop, implement, review, validate, and maintain the risk and needs assessment and to evaluate and provide evidence-based recidivism reduction programs and productive activities.