

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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September 20, 2024

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

Dear Director Peters:

For several months, as a part of the House's ongoing impeachment inquiry and the Committee on the Judiciary's (Committee) oversight of the operations of the Federal Bureau of Prisons (BOP), we have requested documents and information about the treatment of BOP inmate Jason Galanis.<sup>1</sup> On April 26, 2024, we sent a subpoena to you for three categories of documents on this matter.<sup>2</sup> On July 23, 2024, you testified before the Subcommittee on Crime and Federal Surveillance (Subcommittee).<sup>3</sup> In negotiations with the Committee before the hearing, the Justice Department and BOP represented to the Committee that your testimony would obviate the need for substantive responses to our requests. To that end, on July 11, 2024, the Committee provided you with a specific list of topics we expected your testimony to cover.<sup>4</sup> However, your testimony did not provide the Committee with all the information necessary for

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<sup>1</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, et al., to Colette S. Peters, Dir., Fed. Bureau of Prisons (Mar. 5, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, et al., to Negar Tekeci, Assistant U.S. Att'y, S.D.N.Y., U.S. Dep't of Just. (Mar. 5, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, et al., to Colette S. Peters, Dir., Fed. Bureau of Prisons, U.S. Dep't of Justice (Apr. 26, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al., to Sheri Saulsberry, Warden, FPC Pensacola, U.S. Dep't of Just. (May 9, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al., to M.V. Joseph, Former Warden, FPC Pensacola, U.S. Dep't of Just. (May 9, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary and Rep. Matt Gaetz, to Colette S. Peters, Dir., Fed. Bureau of Prisons, U.S. Dep't of Justice (May 9, 2024).

<sup>2</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Colette Peters, Dir., Fed. Bureau of Prisons (Apr. 26, 2024).

<sup>3</sup> Hearing on Oversight of the Bureau of Prisons, *Before the S. Comm. on Crime and Fed. Gov. Surveillance of the H. Comm. on the Judiciary*, 118th Cong. (July 23, 2024).

<sup>4</sup> Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. Andy Biggs, to Colette S. Peters, Dir., Fed. Bureau of Prisons, U.S. Dep't of Just. (July 11, 2024).

its investigation and also raised concerns related to the widespread implementation of the First Step Act (FSA) calculator in BOP facilities.

Although the Committee's topic list related entirely to BOP's treatment of Mr. Galanis, during your testimony, you refused to answer basic questions from Members about that matter. For example, when asked whether the staff member who assaulted Mr. Galanis was still working for BOP, you declined to "speak to the alleged individual's circumstances," citing "an ongoing investigation."<sup>5</sup> You also failed to provide adequate responses to questions regarding the BOP's denial of Mr. Galanis's application for home confinement under the Coronavirus Aid, Relief, and Economic Security Act after it was approved by the warden of FPC Pensacola and the Residential Reentry Management (RRM) center in Long Beach, California.<sup>6</sup> The Committee previously outlined our concerns about BOP's denial of Mr. Galanis's home confinement application under these circumstances, as it gives the appearance that BOP has targeted him for "retribution" and is an effort to suppress his testimony about the Biden family's influence peddling scheme.<sup>7</sup> Your testimony did nothing to alleviate these concerns.<sup>8</sup>

As a result, the Committee requires your full compliance with our April 26 subpoena to you compelling the production of documents related to BOP's treatment of Mr. Galanis.<sup>9</sup> If you remain out of compliance with the Committee's subpoena, the Committee may consider taking further action, such as the invocation of contempt of Congress proceedings. Further, to date, BOP has failed to honor the Committee's requests to conduct transcribed interviews with Wardens M.V. Joseph and Sheri Saulsberry,<sup>10</sup> both of whom were involved with reviewing and signing off on Mr. Galanis's home confinement application. The Committee is prepared to resort to compulsory process, if necessary, to obtain their testimony. Accordingly, please produce the subpoenaed documents and schedule the requested transcribed interviews no later than 5:00 PM on October 4, 2024.

Separately, during the July 23 hearing, Subcommittee Chairman Biggs questioned you about the availability of the FSA calculator in BOP facilities. The FSA calculator is supposed to be used by inmates and BOP employees "for earlier prerelease planning by calculating a 'best case' scenario based on an [inmate's] [Federal Time Credits] earning status."<sup>11</sup> You represented

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<sup>5</sup> Hearing on Oversight of the Bureau of Prisons, *Before the S. Comm. on Crime and Fed. Gov. Surveillance of the H. Comm. on the Judiciary*, 118th Cong. at 40 (July 23, 2024).

<sup>6</sup> *Id.* at 48–50.

<sup>7</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, et al., to Colette S. Peters, Dir., Fed. Bureau of Prisons (Mar. 5, 2024).

<sup>8</sup> See, e.g., Hearing on Oversight of the Bureau of Prisons, *Before the S. Comm. on Crime and Fed. Gov. Surveillance of the H. Comm. on the Judiciary*, 118th Cong. at 51–53 (July 23, 2024).

<sup>9</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Colette Peters, Dir., Fed. Bureau of Prisons (Apr. 26, 2024).

<sup>10</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary et al., to Sheri Saulsberry, Warden, FPC Pensacola, U.S. Dep't of Just. (May 9, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary et al., to M.V. Joseph, Former Warden, FPC Pensacola, U.S. Dep't of Just. (May 9, 2024).

<sup>11</sup> Press Release, Fed. Bureau of Prisons, Conditional FSA Release Date Calculator (Dec. 5, 2023).


to Chairman Biggs that the program was “fully operational.”<sup>12</sup> You further stated that the BOP “ha[s] expanded the earned time credit calculator to do a full on projection so that people can see if they behave in prison, if they stay in programming and treatment, their earliest release date is X.”<sup>13</sup>

Contrary to your testimony, however, public reports have noted that the FSA calculator is not being applied uniformly across all BOP facilities or not being used at all.<sup>14</sup> In fact, inmates at FPC Montgomery reportedly went on a “food strike” after their “case managers could not provide answers as to what the BOP’s position was on the new calculations.”<sup>15</sup> According to these reports, family members of inmates at that facility have voiced concerns that staff are retaliating against inmates who inquire about their FSA credits by “taking away television time, visitation, computers and microwaves.”<sup>16</sup> Despite your assurances that “[a]ny errors that we’re hearing about now are because of human input into the system, not because the earned time credit calculator is broken,”<sup>17</sup> BOP’s failure to properly implement the calculator is having vastly negative effects on inmates and causing confusion among staff.

Pursuant to the Rules of the House of Representatives, the Judiciary Committee has jurisdiction to consider potential legislative reforms to the Department of Justice and national penitentiaries.<sup>18</sup> Such potential legislative reforms may include, among other things, creating additional protections to safeguard the ability of those in BOP custody to cooperate with congressional investigations, ensuring the integrity of BOP’s home release and confinement policies, ensuring the integrity of BOP’s roll out of the FSA calculator, and streamlining and reforming BOP’s administrative practices. To further our oversight of BOP, we require a briefing regarding the implementation status of the FSA calculator across BOP facilities. Accordingly, please schedule the requested briefing no later than 5:00 PM on October 4, 2024.

If you have any questions about these matters, please contact Committee staff at (202) 225-6906. Thank you for your attention to these matters.

  
Jim Jordan  
Chairman

Sincerely,  
  
Andy Biggs  
Chairman  
Subcommittee on Crime and Federal  
Government Surveillance

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<sup>12</sup> Hearing on Oversight of the Bureau of Prisons, *Before the S. Comm. on Crime and Fed. Gov. Surveillance of the H. Comm. on the Judiciary*, 118th Cong. at 78 (July 23, 2024).

<sup>13</sup> *Id.*

<sup>14</sup> See Walter Pavlo, *Bureau Of Prisons First Step Act Calculator Not Fully Implemented*, FORBES (Aug. 30, 2024).

<sup>15</sup> Walter Pavlo, *Bureau Of Prisons’ Issues With First Step Act Lead To Food Strike*, FORBES (Sept. 14, 2024).

<sup>16</sup> *Id.*

<sup>17</sup> Hearing on Oversight of the Bureau of Prisons, *Before the S. Comm. on Crime and Fed. Gov. Surveillance of the H. Comm. on the Judiciary*, 118th Cong. at 78 (July 23, 2024).

<sup>18</sup> Rules of the House of Representatives, R. X(1)(l)(7), (13), 118th Cong. (2023).

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cc: The Honorable Jerrold L. Nadler, Ranking Member  
The Honorable Lucy McBath, Ranking Member, Subcommittee on Crime and Federal  
Government Surveillance