

# United States Senate

WASHINGTON, DC 20510-1304

January 14, 2025

The Honorable Rob Shriver  
Acting Director  
U.S. Office of Personnel Management  
1900 E Street, NW  
Washington, DC 20415-1000

Dear Acting Director Shriver:

I write to request that the Office of Personnel Management (OPM) act swiftly to approve the Federal Bureau of Prisons' (BOP) recently transmitted request for a nationwide special pay rate for critical employees to help address severe staffing shortages in BOP facilities.

As highlighted by recent Senate Judiciary Committee oversight hearings, understaffed federal prisons cannot ensure the safety and wellbeing of the incarcerated individuals in their care or adequately provide necessary services for them, including critical medical and mental health care.<sup>1</sup> Additionally, due to staffing shortages, BOP facilities are assigning noncustodial staff, such as teachers, case managers, and medical staff, to perform routine correctional officer duties, a practice called augmentation. This practice, necessitated by chronic understaffing, hinders the successful implementation of the landmark First Step Act (FSA) and access to FSA programming that is crucial for individuals' rehabilitation and successful reentry into society.<sup>2</sup>

This ongoing BOP staffing crisis is having alarming impacts on the health and safety of both staff and incarcerated individuals. A February 2024 report issued by the Department of Justice's Office of the Inspector General (IG) identified insufficient staffing as an issue in at least 30 of the deaths of incarcerated adults in the report's scope.<sup>3</sup> The report also noted that mandated overtime and augmentation negatively affect staff morale and performance, posing risks to institutional safety and security.<sup>4</sup> Correctional officers interviewed relayed that overworked staff were less vigilant and conducted fewer rounds. Staff also suffer detrimental physical and mental health impacts from significantly increased stressors unique to the correctional environment.<sup>5</sup>

More recently, a March 2024 IG report found that low health-care staffing levels at Federal Correctional Institution (FCI) Sheridan were consistently causing incarcerated individuals to wait

<sup>1</sup> Senate Judiciary Committee Hearing "Oversight of the Federal Bureau of Prisons" September 13, 2023; Senate Judiciary Committee Hearing "Examining and Preventing Deaths of Incarcerated Individuals in Federal Prisons" February 28, 2024; Senate Judiciary Subcommittee on Criminal Justice and Counterterrorism Hearing "The Nation's Correctional Staffing Crisis: Assessing the Toll on Correctional Officers and Incarcerated Persons" February 28, 2024.

<sup>2</sup> Cecilia Vega, *Inside the Bureau of Prisons, a federal agency plagued by understaffing, abuse, disrepair*, 60 Minutes, January 28, 2024.

<sup>3</sup> *Evaluation of Issues Surrounding Inmate Deaths in Federal Bureau of Prison Institutions*, U.S. Department of Justice, Office of the Inspector General, February 2024 (hereinafter IG February 2024 Report).

<sup>4</sup> [IG February 2024 Report](#) at 67.

<sup>5</sup> [IG February 2024 Report](#) at 68.

extended periods of time for basic and emergency care, leading one individual to fake a suicide attempt in order to obtain timely medical treatment for a serious infection.<sup>6</sup>

BOP has experienced staffing shortages over the last several years, culminating in the current staffing crisis.<sup>7</sup> Importantly, this crisis was greatly exacerbated by a 2017 Presidential Memorandum, which implemented a hiring freeze of federal civilian employees and froze the number of positions able to be filled within the BOP as of January 22, 2017.<sup>8</sup> The January 2017 hiring freeze was made permanent a year later, and during that time frame, BOP eliminated 6,000 positions nationwide, a 14 percent staffing decrease from the 43,000 positions in the system in both 2015 and 2016.<sup>9</sup>

BOP currently houses more than 141,000 incarcerated adults.<sup>10</sup> BOP is authorized for 14,899 full-time correctional officer positions and reports that 12,193 active correctional officers are in pay status;<sup>11</sup> additionally, BOP is authorized for 24,686 “other” positions and reports that 23,141 employees are in active pay status in those positions.<sup>12</sup> According to the National Council of Prison Locals, the union representing a majority of BOP employees, since 2016, BOP has lost approximately 9,000 staff positions and current staffing shortages are at a “critical level.”<sup>13</sup>

At a February 2024 Senate Judiciary Committee hearing, BOP Director Colette S. Peters acknowledged that BOP’s pay rates, including recruitment and retention pay incentives, have not made BOP staff salaries competitive with state correctional institutions or the private sector and are therefore a barrier to addressing the BOP staffing crisis.<sup>14</sup> At a Senate Judiciary subcommittee hearing that same day, Brandy Moore White, President of the National Council of Prison Locals, called the lack of competitive pay the most important issue that correctional officers face on a day-to-day basis.<sup>15</sup>

That is why five of my Senate Judiciary colleagues joined me in writing to Director Peters last May to urgently recommend that BOP send a special pay rate request to OPM to address barriers to BOP’s recruitment and retention of critical employees and improve safety and security at BOP facilities.<sup>16</sup> Additionally, to address the staffing shortages contributing to deficient medical care and recidivism reduction programming, our letter recommended that BOP request this special pay rate apply not only to correctional officers, but also to all non-supervisory staff, including

<sup>6</sup> [Inspection of the Federal Bureau of Prisons’ Federal Correctional Institution Sheridan](#), U.S. Department of Justice, Office of the Inspector General, May 2024 (hereinafter IG May 2024 Report).

<sup>7</sup> [Federal Bureau of Prisons Fact Sheet](#) February 10, 2024.

<sup>8</sup> White House, Presidential Memoranda, [Presidential Memorandum Regarding the Hiring Freeze](#) (issued on January 23, 2017).

<sup>9</sup> Taylor Dolven, [Trump’s cuts to federal prison system “decimate” jobs](#), Vice, February 13, 2018.

<sup>10</sup> [Federal Bureau of Prisons Fact Sheet](#) February 10, 2024.

<sup>11</sup> [Federal Bureau of Prisons Fact Sheet](#) February 10, 2024.

<sup>12</sup> [Federal Bureau of Prisons Fact Sheet](#) February 10, 2024.

<sup>13</sup> Luke Barr, [Bureau of Prisons union leader asks Biden ‘to prioritize and address’ staffing](#), ABC News, February 2, 2024.

<sup>14</sup> Senate Judiciary Committee Hearing “Examining and Preventing Deaths of Incarcerated Individuals in Federal Prisons” February 28, 2024.

<sup>15</sup> Senate Judiciary Subcommittee on Criminal Justice and Counterterrorism Hearing “The Nation’s Correctional Staffing Crisis: Assessing the Toll on Correctional Officers and Incarcerated Persons” February 28, 2024.

<sup>16</sup> [Senate Judiciary Committee Letter to BOP Director Peters](#), May 28, 2024.

nurses, teachers, doctors, and psychologists. A special pay rate would provide an additional tool for BOP to immediately begin addressing its staffing shortage within its current budget, while Congress works on long-term solutions to this crisis.

OPM has the authority to set special pay rates, which are “higher rates of basic pay,” for agencies experiencing a “significant handicap in recruiting or retaining employees.”<sup>17</sup> OPM’s criteria for special pay rates are based on whether the staffing shortages are caused by “significantly higher non-Federal pay rates . . . the remoteness of the area . . . the undesirability of the work conditions or nature of the work involved, or any other circumstances OPM considers appropriate.”<sup>18</sup>

BOP clearly meets these criteria. It is my understanding that BOP recently transmitted a request to OPM for nationwide special salary rates for correctional officers, as well as a request for additional pay authorities for nurses. I applaud BOP’s efforts to work with OPM to close staffing shortages and increase salaries to compete with state and local correctional institutions, as well as the private sector.

Given the critical need, I urge OPM to act swiftly to approve BOP’s request for a nationwide special pay rate for employees in correctional services and other hard-to-fill positions pursuant to its special pay rate authorities for agencies experiencing a “significant handicap in recruiting or retaining employees”<sup>19</sup> to help address the federal prisons staffing crisis. At the same time, I also request that you work to preserve current rates of locality pay at BOP facilities to ensure that OPM’s approval of special pay does not come at the expense of other currently authorized pay authorities, nor result in a decrease in pay for BOP staff currently serving amidst an agency-wide staffing crisis.<sup>20</sup>

I appreciate your consideration of this request and your attention to this critical issue.

Sincerely,



Richard J. Durbin  
United States Senator

Cc: The Honorable Merrick Garland, Attorney General, U.S. Department of Justice  
Director Colette Peters, Federal Bureau of Prisons, U.S. Department of Justice

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<sup>17</sup> OPM.gov Main > Policy > Special Rates, [Special Rates: Special Rate Requests](#), March 27, 2024.

<sup>18</sup> OPM.gov Main > Policy > Special Rates, [Special Rates: Special Rate Requests](#), March 27, 2024.

<sup>19</sup> OPM.gov Main > Policy > Special Rates, [Special Rates: Special Rate Requests](#), March 27, 2024.

<sup>20</sup> OPM.gov Main > Policy > Pay & Leave, Locality Pay Area Definitions: [2024 Locality Pay Area Definitions](#).