

Federal Prison Oversight Act (S. 1401 | H.R. 3019)



Background

The Department of Justice's (DOJ) Bureau of Prisons (BOP) is tasked with securing and ethically managing individuals sentenced to incarceration under federal law. Americans want to see this important agency promote rehabilitation and safety within prisons, equip correctional leaders and staff for professional success, honor the dignity of incarcerated people, and prepare the way for their successful reentry.

Yet, the federal prison system is struggling to meet these expectations. For many years, the Office of Inspector General (OIG), the United States Senate Permanent Committee on Investigations, and the U.S. Government Accountability Office (GAO) have highlighted the Bureau's numerous challenges. These include an ineffective internal review system, incomplete implementation of the FIRST STEP Act, sexual abuse of both staff and prisoners, inadequate staffing levels, and a consistent inability to correct operational problems.¹ In 2023, management of the BOP was added to the GAO's list of high-risk government programs "vulnerable to waste, fraud, abuse, and mismanagement or in need of transformation".² These institutional gaps impose real consequences for correctional staff, incarcerated individuals, prison culture, and success in improving post-release outcomes.

THE RESPONSE

- Introduced by Senators Mike Braun (R-IN), Jon Ossoff (D-GA), and Dick Durbin (D-IL) and Representatives Lucy McBath (D-GA) and Kelly Armstrong (R-ND), the *Federal Prison Oversight Act* (S. 1401 | H.R. 3019) would create new tools for regular external oversight of the Bureau of Prisons.
- The *Federal Prison Oversight Act* is endorsed by Prison Fellowship, the Council of Prison Locals (CPL), FAMM, Justice Action Network, National District Attorneys Association, Americans for Prosperity, Conservative Political Action Committee (CPAC), and Faith and Freedom Coalition.
- S. 1401 | H.R. 3019 requires the Office of Inspector General (OIG) within the DOJ to conduct regular inspections of BOP facilities. Following a visit, the OIG will produce a public report and assign the facility a risk score based upon factors related to facility safety, staffing, rehabilitative opportunities, healthcare, and humane treatment of prisoners. Higher risk prisons would receive more frequent inspections, ensuring that serious deficiencies are monitored over time. The BOP will be required to respond to all inspection reports, including through the development of a corrective action plan.
- S. 1401 | H.R. 3019 also creates an independent Ombudsman office to investigate allegations of prison conditions that "adversely affect the health, safety, welfare, or rights

¹Office of the Inspector General, *Limited-Scope Review of the Federal Bureau of Prisons; Strategies to Identify, Communicate, and Remedy Operational Issues*, United States Department of Justice (May 2023), <https://oig.justice.gov/sites/default/files/reports/23-065.pdf>; Office of the Inspector General, *Top Management and Performance Challenges Facing the Department of Justice-2022*, United States Department of Justice (Dec. 2022), <https://oig.justice.gov/sites/default/files/reports/TMPC-2022.pdf>.

² U.S. GAO, *High Risk Series: Efforts Made to Achieve Progress Need to be Maintained and Expanded to Fully Address All Areas*, United States Government Accountability Office (April 2023), <https://files.gao.gov/reports/GAO-23-106203/index.html#appendix17>.

of incarcerated people or staff.” The Ombudsman would create opportunities for complaints regarding problems in the BOP to be submitted by correctional staff, incarcerated individuals, and their loved ones.

- After completing an investigation, the Ombudsman will issue findings and provide the BOP with any relevant recommendations. If the Ombudsman believes that a health, safety, welfare, working condition, or rehabilitation issue at a BOP facility remains unaddressed, it will report those findings to the Attorney General and to Congress.
- The bill includes confidentiality and non-retaliation protections to facilitate reliable investigative work as well as provide the OIG and the Ombudsman with access to BOP facilities, documents, and records to allow for meaningful independent review. The OIG and Ombudsman would be required to develop procedures on how to conduct its investigations while minimizing disruption to BOP daily operations.
- S. 1401 | H.R. 3019 does not create independent policy-making authority for the OIG or the independent Ombudsman. Decisions on how, or if, to implement recommendations or address findings from the OIG or Ombudsman would remain the responsibility of the Bureau of Prisons, Department of Justice leadership, Congress, and the executive branch.

WHY IT MATTERS

- **HUMAN DIGNITY:** Individuals who break the law must be held accountable—but in a correctional environment that affirms God-given human dignity and provides tangible pathways to rehabilitation. The Federal Prison Oversight Act creates critical independent review structures so that more incarcerated men and women pay their debt to society in safe, rehabilitative, and humane prison settings.
- **TRANSPARENCY :** Congress and the American taxpayer deserve to have a clear-eyed understanding of the day to day operations of federal agencies. Through regular public reporting on federal prison facilities and conditions, the Federal Prison Oversight Act will inform lawmakers, stakeholders, and the general public about performance strengths and failures in a critical federal body.
- **OFFICER WELLNESS:** Correctional staff play an indispensable role in creating a constructive prison culture where men and women can leave behind cycles of crime and live out their God-given purpose. Lawmakers should eliminate barriers to their success and well-being in this critical public service. By passing the Federal Prison Oversight Act, Congress will support the brave men and women in federal corrections by highlighting and reporting on problems related to staffing levels, officer safety, and working conditions.
- **PUBLIC SAFETY:** Over 90 percent of federal prisoners will return to our communities, and their term of incarceration will significantly shape their pursuit of productive, law-abiding lives. Through consistent reporting on federal prison conditions, the Federal Prison Oversight Act will equip decision makers to better advance safety, rehabilitation, and success.

CONCLUSION

With over 45 years of experience working behind bars, Prison Fellowship has experienced firsthand how treating people with dignity and providing opportunities for transformation can have a constructive impact on prison culture, incarcerated individuals, and correctional officer well-being. By approving the Federal Prison Oversight Act, Congress can establish a robust system of independent review over the Bureau of Prisons and support this key agency in pursuing its mission of public safety and rehabilitation.