

Congress of the United States
House of Representatives
Washington, DC 20515-3302

June 12, 2026

William K. Marshall III
Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street, NW
Washington, DC 20534

Dear Director Marshall:

We write regarding the Federal Bureau of Prisons' (BOP) recent issuance of Change Notice 3 (CN-3) to Program Statement 5100.08, Inmate Security Designation and Custody Classification, dated May 6, 2026.¹

CN-3 strikes BOP's previous policy that "classification, designation and redesignation procedures are consistent with the statutory authority contained in 18 U.S.C. § 3621(b)". This provision required that BOP determine a prisoner's place of imprisonment based on a number of factors, including "the nature and circumstances of the offense." CN-3 also inserts new language stating that, pursuant to 28 U.S.C. § 509, "[i]n certain circumstances, the Attorney General may exercise authority to designate or redesignate the place of a prisoner's imprisonment" and establishes procedures under which the Attorney General may invoke such authority.

These revisions appear to mark a significant departure from the Bureau of Prisons' longstanding designation framework under 18 U.S.C. § 3621(b). The statute provides the basis for BOP's inmate security designation and custody classification policy (P.S. 5100.08), under which the agency has exercised delegated authority to make individualized classification, designation, and transfer decisions. CN-3 raises troubling questions about the scope of the Attorney General's asserted authority, the circumstances under which this authority may be exercised, and the potential effects on institutional operations, fairness, transparency, and consistency in federal prisoner placement decisions.

These concerns are especially relevant in light of BOP's August 2025 transfer of Ghislaine Maxwell (Inmate No. 02879-509) from Federal Correctional Institution (FCI) Tallahassee in Florida, a low security federal prison, to Federal Prison Camp (FPC) Bryan, a minimum-security federal prison camp in Bryan, Texas.

BOP's Inmate Security Designation and Custody Classification manual lists several "public safety factors" (PSFs) which affect the type of facility at which prisoners can serve their sentence. The manual describes the impact of these PSFs on whether an inmate can be designated to serve their sentence at a minimum-security institution:

¹ Available at https://www.bop.gov/policy/progstat/5100_008_cn-3.pdf (pp. 1-2).

There are certain demonstrated behaviors which require increased security measures to ensure the protection of society. There are nine Public Safety Factors (PSFs) which are applied to inmates who are not appropriate for placement at an institution which would permit inmate access to the community (i.e., MINIMUM security). The application of a PSF overrides security point scores to ensure the appropriate security level is assigned to an inmate, based on his or her demonstrated current or prior behavior.²

One such PSF is whether the prisoner is a sex offender. The manual states that:

Sex Offender. A male or female inmate whose behavior in the current term of confinement or prior history includes one or more of the following elements will be housed in at least a Low security level institution, unless the PSF has been waived. [...]

(4) Any sexual act or contact not identified above that is aggressive or abusive in nature (e.g., rape by instrument, encouraging use of a minor for prostitution purposes, incest, etc.). Examples may be documented by state or Bureau of Prisons' incident reports, clear NCIC entries, or other official documentation; [...]

(6) Any offense referenced in the Sex Offender Notification and Registration Program Statement.³

Maxwell was found guilty of conspiracy to entice minors to travel to engage in illegal sex acts, conspiracy to transport minors to participate in illegal sex acts, transporting a minor to participate in illegal sex acts, sex trafficking conspiracy, and sex trafficking of a minor.⁴ No record of a PSF waiver allowing her transfer from a low security institution to a minimum-security institution has been provided by BOP. Therefore, under existing BOP policy before CN-3, Maxwell was ineligible for transfer to FPC Bryan. Despite this, Maxwell was transferred shortly after an interview with then Deputy Attorney General Blanche.⁵ As CN-3 was not in place in August of last year, Maxwell's transfer clearly violated existing BOP policy. This raises the question of why the changes outlined by CN-3 are being enacted now.

Our offices requested documentation related to Maxwell's transfer from BOP, as required under the *Epstein Files Transparency Act*. BOP has continued to violate the law by not producing these documents.

BOP's inmate classification and designation policies have significant implications for institutional safety, correctional resource allocation, family reunification, program access, recidivism reduction, and compliance with congressional directives. Any modification to these policies, especially in light of Maxwell's transfer, warrants careful scrutiny by Congress and the public.

² Id. at Chapter 2, Page 6.

³ Id. at Chapter 5, Page 8.

⁴ <https://www.justice.gov/usao-sdny/pr/ghislaine-maxwell-sentenced-20-years-prison-conspiring-jeffrey-epstein-sexually-abuse>

⁵ <https://www.nytimes.com/2025/08/22/us/politics/ghislaine-maxwell-doj-transcript-trump.html>

To better understand the basis for and anticipated effects of the changes adopted by CN-3, please provide responses to the following questions and requests:

1. What specific operational concerns or objectives prompted CN-3?
2. Please produce all internal memoranda, legal analyses, policy reviews, risk assessments, communications, or other documents relied upon in developing CN-3.
3. What offices, officials, and subject-matter experts participated in the development and approval of CN-3?
4. What data, research, or performance metrics did BOP review before adopting these changes?
5. Did BOP conduct any analysis regarding the projected impact of CN-3 on:
 - a) inmate placement decisions;
 - b) security classifications;
 - c) transfers between institutions;
 - d) institutional safety; or
 - e) correctional staffing requirements?
6. Since issuance of CN-3, how many requests for Attorney General review or intervention have been received, considered, approved, or denied? Please provide any communications from the Attorney General's office regarding those designations or redesignations.
7. What procedures will govern requests for Attorney General review of designation and redesignation decisions?
8. Will inmates, attorneys, victims, prosecutors, sentencing courts, Members of Congress, or other interested parties be permitted to submit requests or information directly to the Attorney General regarding designation and redesignation decisions?
9. What procedures will be used to document, review, and preserve records relating to Attorney General designation and redesignation decisions?
10. Will BOP maintain records identifying each case in which the Attorney General exercises authority described in CN-3?
11. Will sex offenders continue to be eligible for designation or redesignation by the Attorney General to minimum-security institutions under the changes described in CN-3?

Given Congress's responsibility to oversee the federal correctional system and ensure that BOP policies are evidence-based, transparent, and consistent with statutory requirements, we require answers on how and why your Bureau decided to give the Attorney General the authority to

unilaterally transfer inmates and disregard the BOP evaluation of an inmate's safety classification. Please provide a written response no later than July 12, 2026.

Thank you for your prompt attention to this matter. We look forward to your response.

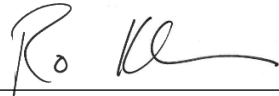
Sincerely,



Deborah K. Ross
Member of Congress



Jamie Raskin
Member of Congress



Ro Khanna
Member of Congress