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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

CHARLES J. HOUY, STAFF DIRECTOR
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July 31, 2012

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
Washington, DC 20530

Dear Attorney General Holder:

I am writing in response to the July 26, 2012 proposal by the Department of Justice to reprogram \$165 million to acquire the now defunct Thomson Correctional Center in Thomson, Illinois, for use as an Administrative U.S. Penitentiary.

I strongly object to this proposal, and agree with Chairman Frank Wolf's rejection letter submitted to you on July 27, 2012, which raises many serious questions.

As I stated in my letter to you on May 18, 2011, there was no competitive process or transparency in how this facility was selected. It is an earmark. It violates Congressional and White House imposed moratoria on projects of this nature.

The Thomson facility was built at a cost of \$128 million, but the Department's fiscal year 2011 budget request sought \$170 million for the "acquisition and renovation" of the facility. This new proposal requests \$165 for just the acquisition. Your Department failed to highlight that the Federal Bureau of Prisons (BOP) would still need an additional \$67 million to activate this facility; therefore **the true cost is \$232 million.**

The most concerning aspect of this proposal is that the Federal Bureau of Prisons already owns four new, empty prisons in four locations: Yazoo City, Mississippi; Berlin, New Hampshire; Aliceville, Alabama; and Hazelton, West Virginia. They require \$100 million in activation or annualization funds to become operational. If the BOP acquired Thomson for \$165 million, it would then own **five** empty facilities and still need an additional \$167 million in activation funds, for a total of \$330 million. It makes no fiscal sense for a cash-strapped agency to purchase an overpriced and decade-old prison, while it already has four new prisons not in use.

The purchase and activation of Federal prisons has been an orderly process prior to this proposal. Prisons are built and activated in order as listed on the BOP's Status of Construction List. The Thomson facility is not, nor has it ever been, on this list, until it appeared out of order and ahead of numerous other facilities and sites in 2010. I believe it is wrong to place it ahead of all the other states and cities that have respected the inviolability of this process.

I reiterate my strong objection to this proposal. At a time of fiscal crisis for our nation, when trust in government is at an all-time low, it is disappointing to receive such a questionable request.

Sincerely,

A handwritten signature in cursive script that reads "Kay Bailey Hutchison". The signature is written in dark ink and is positioned above the printed name.

Kay Bailey Hutchison
Ranking Member,
Commerce, Justice, Science and Related
Agencies
Subcommittee on Appropriations