

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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### Opening Statement Ranking Member Elijah E. Cummings

#### Hearing on the Bureau of Prisons and Inmate Reentry December 13, 2017

I want to start by thanking Chairman Gowdy for calling today's hearing to discuss the Fair Chance Act and other ways to address the barriers faced by formerly incarcerated individuals. This is a critical hearing, and the latest in our Committee's efforts to examine these questions. I also appreciate this opportunity to hear from the new Director of the Bureau of Prisons, General Mark Inch. Welcome to our Committee.

Study after study has shown that finding and keeping a job is the single most significant factor for reducing recidivism and for helping formerly incarcerated individuals successfully reenter our society. Steady and meaningful employment is a proven way to give these people a real second chance and to increase the contributions they make to our communities.

Unfortunately, many people who have paid their debt to society are never given a fair chance at getting a job. Many employers automatically screen out these applicants—even those who are highly qualified. These individuals never make it to an interview.

The Fair Chance Act is bipartisan legislation that I introduced with Rep. Darrell Issa to address these challenges in the federal government. In the Senate, Senator Cory Booker and Senator Ron Johnson have shown strong bipartisan leadership on this bill, and the Homeland Security and Government Affairs Committee approved the bill earlier this year by voice vote.

Our bill allows federal agencies and contractors to ask about criminal histories at the final stages of the hiring process, after a conditional offer has been made, rather than automatically screening people out at the beginning. It does not require any agency or contractor to hire anyone if they don't want to, and of course it includes important exceptions for national security, law enforcement, and positions for which criminal history information is required by law.

Unfortunately, we are not at the forefront of these efforts—we are actually lagging behind. Already, 30 states and more than 150 cities and counties have instituted “ban the box” policies. These include states ranging from California, Colorado, and Connecticut—to Kentucky, Indiana, and Utah.

In addition, companies like Walmart, Koch Industries, Target, Home Depot, Starbucks, and Bed, Bath & Beyond have embraced ban the box policies.

I want to thank Glenn Martin for being here today to discuss the proven success of ban the box policies. Mr. Martin is a leading advocate for the formerly incarcerated, and he knows firsthand what it is like to face barriers to reentry.

We must also face the reality that our federal prison system is not doing enough to prepare inmates for reentry. There is a bipartisan consensus in Congress and among the states that we must do more in this area.

Recent reports from the Department of Justice Inspector General, the Government Accountability Office, and the Charles Colson Task Force on Federal Corrections have raised alarming concerns about a lack of sufficient services and a failure to track and measure the effectiveness of existing services.

If the system is providing ineffective services in areas such as employment skills training, post-secondary education, health care, and substance abuse treatment, federal inmates will have great difficulty readjusting to life outside prison when they are released.

I am also concerned about recent reports of closures of federal Residential Reentry Centers, or halfway houses, and cutbacks in other transition services, including at a Baltimore location. We need to know more about the reasons for these cuts.

If the Bureau of Prisons is not tracking data on these services or measuring their effectiveness at reducing recidivism, then it cannot know if its programs are working or if cuts are justified. We cannot do our work effectively if information is not available or does not exist.

I am heartened that the Bureau agreed to implement many recommendations to improve reentry services and better track their effectiveness. I look forward to hearing from Director Inch, Inspector General Horowitz, and Ms. Maurer about the progress of that implementation.

I also want to thank Cynthia Roseberry for her work on the Colson Task Force. I am particularly interested in the Task Force's recommendations to improve oversight, including the creation of a new Performance, Accountability, and Oversight Board.

Finally, I am troubled by the decision of the Trump Administration earlier this year to reinstitute the use of federal private prisons. Following a critical Inspector General report documenting numerous health and public safety issues, Deputy Attorney General Sally Yates announced that the Department would end the use of these facilities in August 2016. But Attorney General Sessions reversed this decision.

Director Inch, I look forward to hearing your views on these topics and your plans for the federal prison system. I know Chairman Gowdy shares many of these concerns, and I look forward to continuing productive and open communication to ensure the transparency, accountability, and effectiveness of our federal prisons.

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