



Chairman Matt Cartwright

Subcommittee on Commerce, Justice, Science, and Related Agencies

Oversight Hearing on COVID Outbreaks and Management Challenges: Evaluating the Federal Bureau of Prisons' Pandemic Response and the Way Forward

March 18, 2021

Good afternoon. This is the Subcommittee's first hearing in the 117th Congress, and I am humbled to be taking over the gavel from the great José Serrano. CJS had become synonymous with "Congressman José Serrano" and I know these are big shoes to fill.

I look forward to working together, virtually and I hope soon in person, with my great colleagues on both sides of the aisle. I have a great partner in Congressman Aderholt, and I know we both want to work collaboratively and productively towards so many common goals.

I'd also like to take a moment to welcome a few new Members to our subcommittee, Representatives David Trone of Maryland, Ben Cline of Virginia, and Mike Garcia of California, as well as one returning Member, Representative Dutch Ruppersberger of Maryland. I am so glad to have you all join us for the 117th Congress. I'd also like to briefly introduce and welcome all Members of the subcommittee who I've not yet mentioned: Representatives Grace Meng of New York, Charlie Crist of Florida, Ed Case of Hawaii, Brenda Lawrence of Michigan, and Steven Palazzo of Mississippi.

I feel fortunate and humbled to have such a wonderful group of members on this subcommittee, and I am confident we will achieve many great things together.

Turning to the business of the subcommittee, today, we undertake one of our key responsibilities – oversight of the Federal agency operations and programs that we fund.

We welcome Michael Carvajal, Director of the Federal Bureau of Prisons, or BOP, in his first appearance before this Committee. Director Carvajal began his career with BOP in 1992, assuming increasingly responsible positions in BOP institutions in Texas, Kansas, and Louisiana before being appointed the Northeast Regional Director in 2016, and the Assistant Director for the Correctional Programs Division in 2018. He was named Director of the Bureau in February 2020.

There is an overused expression – "timing is everything". It would appear that you, Director Carvajal, took on your job when BOP's world was about to be upended.

We can debate how much anyone was prepared to deal with the impact of a global pandemic, which the World Health Organization announced on January 30, 2020. But in hindsight, the six weeks that elapsed between that time and the March 13, 2020, White House emergency declaration was a terribly precious time, and I believe that we must examine the opportunities to protect a very vulnerable population that BOP missed during this critical juncture.

Director Carvajal, you inherited an agency responsible for the safety, security, and welfare of over 175,000 inmates – 147,000 in 122 facilities owned and operated by BOP itself – and about 37,000 BOP officers and staff.

Over the past year you have seen a 13% reduction in the overall inmate population, and a 15% reduction in the population in BOP facilities, and you have 1000 fewer officers and staff. This is the lowest BOP inmate population in over 20 years.

These figures shed light on the challenging circumstances you have dealt with and your reaction to it. And a part of the story are these unfortunate numbers: 225 inmates and 4 BOP employees dead from COVID-19; and over 47,000 inmates and 5,000 staff contracting the disease and “recovered”.

Although BOP has grappled with massive logistics issues over the past year; managing a huge medical program, quarantine operation, and ongoing security concerns; I believe there are questions that need to be answered about whether BOP is meeting its safety responsibilities. While the BOP system is vast and sprawls across the country, I believe BOP has struggled to uniformly implement proper safety standards and policies. I’ve received reports from correctional staff, inmates, even other Congressional offices with BOP facilities, that treatment, testing, quarantine policies, and general safety measures over the past year are simply not up to par.

To help BOP cope with the unexpected costs of the pandemic, Congress appropriated \$400 million in two different emergency supplementals in FY20 and FY21. As such, today we will want answers about how BOP used and is using those funds.

We want to make sure every possible measure is being taken and every dollar is being spent for the purpose of protecting those within the BOP facilities. Specifically:

- Did you have adequate protective equipment? How did you make deployment decisions for that equipment?
- Were inmates and staff properly isolated and movement managed safely and promptly to reduce the risk of spreading the disease within BOP or among the general public?
- Did BOP take full advantage of options to move inmates out of crowded quarters, such as through home confinement or compassionate release?
- Overall, how shall we assess BOP’s treatment of those in its custody and the dedicated staff who work around the clock to carry out BOP’s correction mission?

The examination of BOP’s operation during the pandemic is not the only matter that deserves close examination in today’s hearing.

We would also like to hear how BOP is addressing other things:

- reducing overcrowding and the use of staff augmentation, an issue I’ve contacted BOP about on several occasions;
- grappling with the continuing threat from contraband such as opioid drugs like Fentanyl;
- and implementation of the First Step Act.

In addition, we would like to hear how BOP is addressing the ongoing and urgent challenge of its aging facilities and infrastructure.

So once again, welcome Director Carvajal, and we look forward to your testimony.