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Washington, D.C. 20515**

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**Testimony of Eleanor Holmes Norton
on the United States Parole Commission Extension Act of 2008
July 16, 2008**

Thank you for the opportunity to testify concerning the extension of the United States Parole Commission, vital to provide for the continued operations of the Commission. You have my special gratitude for holding this hearing so expeditiously in light of the expiration of the Commission on November 1, 2008. Among a number of important changes requested by elected District officials, the National Capital Revitalization and Self-Government Improvement Act of 1997 transferred the city's responsibility for D.C. Code felons to federal jurisdiction; made the U.S. Parole Commission the responsible agency; and abolished the District of Columbia Board of Parole. The Revitalization Act also required the Parole Commission to assume jurisdiction for parole release decisions and mandatory release supervision and revocation decisions by August 5, 2000. The U.S. Parole Commission also has continued its jurisdiction over parole matters for ex-offenders whose convictions for federal crimes occurred before the new federal sentencing guidelines that abolished before federal parole took effect. However, the numbers of federal offenders as well as pre-2000 D.C. Code offenders have been diminishing ever since. The Commission has been phasing out federal offenders for 20 years, but new D.C. Code offenders mandated by the Revitalization Act are continually added every year and require monitored supervised release. Thus, the Parole Board is a hybrid local-federal anachronism representing unfinished business for the Congress.

Today should have been the occasion to recognize the inescapable reality that the U.S. Parole Commission has a new, permanent role and a new set of parolees who will be added annually, assuring the permanency of the Commission's mission. However, my bill to give the Commission permanent status was turned away by the Attorney General's office, and that office would not even accept a five year extension. As a result of this bewildering refusal in the face of facts to the contrary, the House and the Senate today must take time from urgent national business, after only three years, to repeat a needlessly mandatory ritual we completed only in September 2005, when Congress, once again, extended the life of the Commission. The United States Parole Commission Extension and Sentencing Commission Authority Act, set to expire on November 1, 2008.

The effects of this short sighted approach are already playing out with counterproductive results. The Third Circuit Court of Appeals has ordered the Commission to plan for the

NATIONAL PRESS BUILDING
629 14TH STREET, N.W., SUITE 900
WASHINGTON, D.C. 20045
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2136 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-8065
(202) 225-3002 (FAX)
(202) 225-1904 (TDD)
www.house.gov/norton

2041 MARTIN L. KING AVENUE, S.E.
SUITE 300
WASHINGTON, D.C. 20020-5734
(202) 678-8900
(202) 678-8844 (FAX)

expiration of the Commission three to six months prior to actual expiration or face due process challenges to release dates. Most seriously, this requirement could mean an artificial adjustment of prisoners release dates at odds with statutory intent in order to allow for appeal dates for inmates in light of their right to contest release dates before the Parole Commission expires. This order from a single circuit could prove unworkable. Imagine other circuits adopting a similar position, and it becomes clear that there is an urgent need for immediate passage of the bill to extend the Commission for at least three years, notwithstanding the rank inefficiency and needless work for the Commission and the Congress because of such a short a statutory life. This short, arbitrary sunset date for a federal commission with the important mission to monitor ex-felons is risky and totally unnecessary.

The public safety mission of the Commission should and will assure continuing oversight, perhaps more often than a three year cycle. For example, oversight hearings by the Subcommittee on the Federal Workforce, Postal Service and District of Columbia are planned on a number of Commission issues, most seriously, the unjust and counter productive loss of street time, regardless of the nature of the parole infraction, about which you will hear directly from a witness who has been harshly affected. To its credit the Parole Commission and the Court Services and Offender Supervision Agency (CSOSA) have worked diligently to mitigate some of these negative effects, but we are preparing more permanent statutory relief for introduction in the next Congress.

Currently, the Parole Commission has 2,512 federal offenders while it has 9,466 D.C. Code offenders. Without immediate Parole Commission extension, the supervised release of the 9,466 D.C. Code offenders will no longer be monitored. I ask that the Subcommittee on Crime, Terrorism and Homeland Security extend the U.S. Parole Commission to ensure that there is a supervised release program in place for D.C. Code and federal offenders.